

TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS

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CROSS REFERENCES

Reorganization of Executive Agencies, see Executive Order No. 6166, §§ 1, 2, promulgated June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

Right of action for death or personal injury within national park or other place under exclusive jurisdiction of United States or governed by State laws, see section 457 of Title 16, Conservation.

§ 1. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 644

Section, act Mar. 1, 1919, ch. 86, § 10, 40 Stat. 1269, related to control and allotment of space in public buildings in District of Columbia.

§ 1a. Repealed. June 30, 1949, ch. 288, title I, § 103(b), 63 Stat. 380

Section, act July 9, 1943, ch. 210, 57 Stat. 390, related to compensation of former Commissioner of Public Buildings.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1949, pursuant to section 505 of act June 30, 1949.

§§ 2 to 5. Omitted

CODIFICATION

Section 2, act Feb. 26, 1925, ch. 339, § 1, 43 Stat. 983, which established the Office of Public Buildings and Public Parks of the National Capital, was omitted in view of abolition of this office and transfer of its functions to the National Park Service by Ex. Ord. No. 6166, § 2, June 10, 1933, set out under section 901 of Title 5, Government Organization and Employees.

Section 3, acts Feb. 26, 1925, ch. 339, § 2, 43 Stat. 983; July 3, 1930, ch. 846, 46 Stat. 907; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389, which abolished the commission in charge of Department of State Building and transferred duties of commission and superintendent thereof to Director of National Park Service, was omitted in view of transfer of functions of National Park Service to Public Buildings Administration in Federal Works Agency by Reorg. Plan No. I of 1939, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, set out in the Appendix to Title 5, Government Organization and Employees, and the subsequent abolition of Federal Works Agency and transfer of its functions to Administrator of General Services Administration by act June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380, which enacted section 753 of this title.

Section 4, acts Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389, abolished the Office of Public Buildings and Grounds and transferred its functions and duties to Director of the National Park System. See note set out under section 3 of this title.

Section 5, act Feb. 26, 1925, ch. 339, § 4, 43 Stat. 983, provided officers and employees for Office of Public Buildings and Public Parks of the National Capital. See note for section 2 of this title.

§ 5a. Repealed. Oct. 31, 1951, ch. 654, § 1(73), 65 Stat. 704

Section, act July 19, 1932, ch. 510, 47 Stat. 705, related to employment of landscape architects, architects, engineers, artists, etc., in connection with public buildings in the National Capital. See section 758 of this title.

§ 6. Omitted

CODIFICATION

Section, act Feb. 26, 1925, ch. 339, § 6, 43 Stat. 984, related to the Office of Public Buildings and Public Parks of the National Capital, which was abolished by Ex. Ord. No. 6166, § 2, eff. June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

§ 7. Repealed. Oct. 31, 1951, ch. 654, § 1(74), 65 Stat. 704

Section, act July 8, 1918, ch. 139, 40 Stat. 831, related to distribution of building employees among various

government office buildings. See section 754 of this title.

§ 7a. Omitted

CODIFICATION

Section, acts June 26, 1934, ch. 145, title I, 57 Stat. 176; June 27, 1944, ch. 286, title I, 58 Stat. 367; May 3, 1945, ch. 106, title I, 59 Stat. 112; Mar. 28, 1946, ch. 113, title I, 60 Stat. 65, which related to appointment of personnel by Commissioner of Public Buildings, was omitted in view of the abolition of the office of Commissioner of Public Buildings by act June 30, 1949, ch. 288, title I, § 103(b), 63 Stat. 380, effective July 1, 1949. See section 758 of this title.

§§ 8 to 13. Repealed. Oct. 31, 1951, ch. 654, § 1(75)–(80), 65 Stat. 704

Section 8, R.S. § 1798; acts Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, related to expenditures made for repairs and improvements of public buildings and grounds in the District of Columbia.

Section 9, acts Mar. 3, 1883, ch. 128, 22 Stat. 553; Feb. 26, 1925, ch. 339, § 2, 43 Stat. 983; July 3, 1930, ch. 846, 46 Stat. 907; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, directed the Federal Works Administrator to be in charge of care and maintenance of Department of State Building.

Section 10, acts May 22, 1908, ch. 186, 35 Stat. 218; Mar. 28, 1918, ch. 28, § 1, 40 Stat. 482; June 4, 1918, ch. 92, 40 Stat. 598; Feb. 26, 1925, ch. 339, § 2, 43 Stat. 983; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, authorized the Federal Works Administrator to act as superintendent of certain annex buildings.

Section 11, acts Mar. 28, 1918, ch. 28, 40 Stat. 483; June 4, 1918, ch. 92, 40 Stat. 598; Feb. 26, 1925, ch. 339, § 2, 43 Stat. 983; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, directed the Federal Works Administrator to be in charge of care and maintenance of certain temporary office buildings.

Section 12, acts May 24, 1922, ch. 199, 42 Stat. 554; Feb. 26, 1925, ch. 339, §§ 1–6, 43 Stat. 983, 984; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, transferred care and maintenance of Interior Department, Pension Office, Patent Office, and General Land Office to Federal Works Administrator.

Section 13, acts Feb. 13, 1923, ch. 72, 42 Stat. 1239; Feb. 26, 1925, ch. 339, §§ 1–6, 43 Stat. 983, 984; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, transferred care and maintenance of Department of Justice buildings to Federal Works Administrator.

§ 13a. United States Supreme Court Building

(a) Structural and mechanical care; care and maintenance of grounds; direction of operations, maintenance and repairs; contract authority

The Architect of the Capitol shall have charge of the structural and mechanical care of the United States Supreme Court Building, including the care and maintenance of the grounds, and the supplying of all mechanical furnishings and mechanical equipment for the building. The

operation and maintenance of the mechanical equipment and repair of the building shall be performed under his direction and he is authorized to enter into all necessary contracts.

(b) Heating and air-conditioning refrigeration expenses; deposits in Treasury of advancements to credit of Capitol Power Plant; electrical energy purchases

In addition to the foregoing, any funds hereafter appropriated under authority of sections 13a to 13c of this title shall be available also for expenses of heating and air-conditioning refrigeration supplied by the Capitol Power Plant, advancements for which shall be made and deposited in the Treasury to the credit of appropriations hereafter provided for the Capitol Power Plant; and for the purchase of electrical energy.

(May 7, 1934, ch. 222, § 1, 48 Stat. 668; Pub. L. 95–431, title IV, Oct. 10, 1978, 92 Stat. 1036.)

CODIFICATION

Existing provisions were editorially designated subsec. (a) in view of amendment by Pub. L. 95–431 which added subsec. (b) without designating existing provisions as subsec. (a).

AMENDMENTS

1978—Subsec. (b). Pub. L. 95–431 added subsec. (b).

CARE OF BUILDING AND GROUNDS

Pub. L. 101–162, title IV, Nov. 21, 1989, 103 Stat. 1010, provided: “That for fiscal year 1990 and hereafter, funds appropriated under this heading [SUPREME COURT OF THE UNITED STATES AND CARE OF THE BUILDING AND GROUNDS] shall be available for improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without regard to the Classification and Retirement Acts, as amended); and for snow removal by hire of men and equipment or under contract, and for the replacement of electrical transformers containing polychlorinated biphenyls, both without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5).”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13b, 1204 of this title.

§ 13b. Structural, mechanical, and grounds employees; Supreme Court Building and grounds

Employees required for the performance of the provisions of section 13a(a) of this title shall be (a) appointed by the Architect of the Capitol with the approval of the Chief Justice of the United States; (b) compensated in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5; and (c) be subject to the provisions of subchapter III of chapter 83 of title 5.

(May 7, 1934, ch. 222, § 2, 48 Stat. 668; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; Pub. L. 95–431, title IV, Oct. 10, 1978, 92 Stat. 1036.)

CODIFICATION

In clause (b), “chapter 51 and subchapter III of chapter 53 of title 5” substituted for “the Classification of 1949, as amended” on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

In clause (c), “subchapter III of chapter 83 of title 5” substituted for “the Act entitled ‘An Act for the retirement of employees in the classified civil service, and for other purposes’ approved May 22, 1920, as amended (U.S.C., title 5, ch. 14)” to reflect the enactment of Title 5 by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1978—Pub. L. 95-431 substituted “section 13a(a) of this title” for “the foregoing” which had been translated as “the provisions of section 13a of this title”.

1949—Act Oct. 28, 1949, substituted “Classification Act of 1949” for “Classification Act of 1923”.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

§ 13c. Domestic care and custody; superintendent; Supreme Court Building

All other duties and work required for the operation, domestic care, and custody of the building shall be performed under the direction of the Marshal of the Supreme Court of the United States, who shall be superintendent of the United States Supreme Court Building.

(May 7, 1934, ch. 222, § 3, 48 Stat. 668; June 25, 1948, ch. 646, § 27, 62 Stat. 990.)

AMENDMENTS

1948—Act June 25, 1948, struck out provision relating to custodial employees. See section 672 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

§ 13d. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992

Section, act May 7, 1934, ch. 222, § 4, 48 Stat. 668, related to disbursement of appropriations by Marshal. See section 672 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 38 of act June 25, 1948.

§ 13e. Care and maintenance of Oliver Wendell Holmes Garden

After the completion and dedication of the Oliver Wendell Holmes Garden, it shall be maintained and cared for by the Architect of the Capitol in accordance with the provisions of law applicable with respect to the maintenance and care of the grounds of the United States Supreme Court Building.

(Oct. 22, 1940, ch. 908, § 6, 54 Stat. 1208.)

CROSS REFERENCES

Maintenance and care of Supreme Court Building, see sections 13a to 13c of this title and section 672 of Title 28, Judiciary and Judicial Procedure.

§ 13f. Supreme Court Building and grounds; policing; designation of members of the Supreme Court Police

The Marshal of the Supreme Court of the United States, under the general supervision and direction of the Chief Justice of the United

States, may designate employees of the Supreme Court as members of the Supreme Court Police, without additional compensation.

(Aug. 18, 1949, ch. 479, § 1, 63 Stat. 616; Pub. L. 97-390, § 1(a), Dec. 29, 1982, 96 Stat. 1957.)

AMENDMENTS

1982—Pub. L. 97-390 substituted “members of the Supreme Court Police” for “special policemen” and struck out provisions relating to duties of such special policemen.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13n, 13p of this title.

§ 13g. Restriction of public travel; Supreme Court grounds

Public travel in and occupancy of the Supreme Court grounds is restricted to the sidewalks and other paved surfaces.

(Aug. 18, 1949, ch. 479, § 2, 63 Stat. 616.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13l, 13m, 13n, 13o, 13p of this title.

§ 13h. Sale of articles; signs; solicitation; Supreme Court Building and grounds

It shall be unlawful to offer or expose any article for sale in the Supreme Court Building or grounds; to display any sign, placard, or other form of advertisement therein; or to solicit fares, alms, subscriptions, or contributions therein.

(Aug. 18, 1949, ch. 479, § 3, 63 Stat. 616.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13l, 13m, 13n, 13o, 13p of this title.

§ 13i. Injuries to property; Supreme Court Building and grounds

It shall be unlawful to step or climb upon, remove, or in any way injure any statue, seat, wall, fountain,¹ or other erection or architectural feature, or any tree, shrub, plant, or turf in the Supreme Court Building or grounds.

(Aug. 18, 1949, ch. 479, § 4, 63 Stat. 617.)

CODIFICATION

The word “fountain”, appearing in text, conforms to the original text as signed into law by the President. Typographical error was made in printing the law in the Statutes-at-Large (63 Stat. 617) wherein the word appears as “foundation”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13l, 13m, 13n, 13o, 13p of this title.

§ 13j. Firearms or fireworks; speeches; objectionable language; Supreme Court Building and grounds

It shall be unlawful to discharge any firearm, firework or explosive, set fire to any combustible, make any harangue or oration, or utter loud, threatening, or abusive language in the Supreme Court Building or grounds.

¹ See Codification note below.

(Aug. 18, 1949, ch. 479, §5, 63 Stat. 617.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13l, 13m, 13n, 13o, 13p of this title.

§ 13k. Parades or assemblages; display of flags; Supreme Court Building and grounds

It shall be unlawful to parade, stand, or move in processions or assemblages in the Supreme Court Building or grounds, or to display therein any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement.

(Aug. 18, 1949, ch. 479, §6, 63 Stat. 617.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13l, 13m, 13n, 13o, 13p of this title.

§ 13l. Rules and regulations; posting in public place; availability to public

(a) In addition to the restrictions and requirements specified in sections 13g to 13k of this title, the Marshal of the Supreme Court may prescribe such regulations, approved by the Chief Justice of the United States, as may be deemed necessary for the adequate protection of the Supreme Court Building and grounds and of persons and property therein, and for the maintenance of suitable order and decorum within the Supreme Court Building and grounds.

(b) All regulations prescribed under this section shall be posted in a public place at the Supreme Court Building and shall be made reasonably available to the public in writing.

(Aug. 18, 1949, ch. 479, §7, 63 Stat. 617; Pub. L. 97-390, §1(b), Dec. 29, 1982, 96 Stat. 1957.)

AMENDMENTS

1982—Subsec. (b). Pub. L. 97-390 substituted “prescribed under this section shall be posted in a public place at the Supreme Court Building and shall be made reasonably available to the public in writing” for “promulgated under the authority of this section shall be printed in one or more of the daily newspapers published in the District of Columbia, and shall not become effective until the expiration of ten days after the date of such publication”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13m, 13n, 13p of this title.

§ 13m. Penalties; Supreme Court Building and grounds

Whoever violates any provision of sections 13g to 13k of this title, or of any regulation prescribed under section 13l of this title, shall be fined not more than \$100 or imprisoned not more than sixty days, or both, prosecution for such offenses to be had in the Superior Court of the District of Columbia, upon information by the United States Attorney or any of his assistants: *Provided*, That in any case where, in the commission of any such offense, public property is damaged in an amount exceeding \$100, the period of imprisonment for the offense may be not more than five years.

(Aug. 18, 1949, ch. 479, §8, 63 Stat. 617; Pub. L. 87-873, §1, Oct. 23, 1962, 76 Stat. 1171; Pub. L.

88-60, §1, July 8, 1963, 77 Stat. 77; Pub. L. 91-358, title I, §111, July 29, 1970, 84 Stat. 475.)

CHANGE OF NAME

“District of Columbia Court of General Sessions” changed to “Superior Court of the District of Columbia” pursuant to Pub. L. 91-358, which provided that such change is effective first day of seventh calendar month which begins after July 29, 1970.

Municipal Court for the District of Columbia redesignated District of Columbia Court of General Sessions by Pub. L. 87-873, §1, Oct. 23, 1962, 76 Stat. 1171, and Pub. L. 88-60, §1, July 8, 1963, 77 Stat. 77.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13n, 13p of this title.

§ 13n. Policing authority

(a) Authority of Marshal of the Supreme Court and Supreme Court Police

The Marshal of the Supreme Court and the Supreme Court Police shall have authority, in accordance with regulations prescribed by the Marshal and approved by the Chief Justice of the United States—

(1) to police the Supreme Court Building and grounds, and adjacent streets for the purpose of protecting persons and property;

(2) in any part of the United States, to protect—

(A) the person of the Chief Justice of the United States, any Associate Justice of the Supreme Court, and any official guest of the Supreme Court; and

(B) the person of any officer or employee of the Supreme Court while such officer or employee is engaged in the performance of official duties;

(3) in the performance of duties necessary for carrying out paragraph (1) of this subsection, to make arrests for any violation of a law of the United States or any State and any regulation under such law;

(4) in the performance of duties necessary for carrying out paragraph (2) of this subsection, to make arrests for any violation of a law of the United States and any regulation under such law; and

(5) to carry firearms as may be required for the performance of duties under sections 13f to 13p of this title.

(b) Authority of Metropolitan police force of the District of Columbia

The Metropolitan police force of the District of Columbia are¹ authorized to make arrests within the Supreme Court Building and grounds for any violations of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Marshal of the Supreme Court or his assistants, to enter the Supreme Court Building to make arrests in response to complaints or to serve warrants or to patrol the Supreme Court Building or grounds.

¹ So in original. Probably should be “is”.

(c) Termination of authority; reporting requirements; duties with respect to an official guest of Supreme Court

The authority created under subsection (a)(2) of this section shall expire on December 29, 2000. The Marshal of the Supreme Court shall report annually to the Congress on March 1 regarding the administrative cost of carrying out his duties under such subsection. Duties under subsection (a)(2)(A) of this section with respect to an official guest of the Supreme Court in any part of the United States (other than the District of Columbia, Maryland, and Virginia) shall be authorized in writing by the Chief Justice of the United States or an Associate Justice of the Supreme Court, if such duties require the carrying of firearms under subsection (a)(5) of this section.

(d) Definitions

As used in sections 13f to 13p of this title, the term—

(1) “official guest of the Supreme Court” means an individual who is a guest of the Supreme Court, as determined by the Chief Justice of the United States or any Associate Justice of the Supreme Court;

(2) “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

(3) “United States”, when used in a geographical sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(Aug. 18, 1949, ch. 479, § 9, 63 Stat. 617; Pub. L. 93-198, title VII, § 739(g)(8), Dec. 24, 1973, 87 Stat. 829; Pub. L. 97-390, § 1(c), Dec. 29, 1982, 96 Stat. 1957; Pub. L. 99-218, Dec. 26, 1985, 99 Stat. 1729; Pub. L. 99-492, § 1, Oct. 16, 1986, 100 Stat. 1240; Pub. L. 101-462, Oct. 25, 1990, 104 Stat. 1079; Pub. L. 103-193, Dec. 14, 1993, 107 Stat. 2293; Pub. L. 104-280, § 1, Oct. 9, 1996, 110 Stat. 3359.)

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-280 substituted “2000” for “1996”.

1993—Subsec. (c). Pub. L. 103-193 substituted “1996” for “1993”.

1990—Subsec. (c). Pub. L. 101-462 substituted “1993” for “1990”.

1986—Subsec. (c). Pub. L. 99-492 substituted “on December 29, 1990” for “one year after the date of the enactment of this subsection”.

1985—Subsec. (c). Pub. L. 99-218, in amending subsec. (c) generally, substituted “one year after December 26, 1985” for “three years after December 29, 1982”, and struck out “During the three-year effective period of subsection (a)(2) of this section” before “The Marshal of the Supreme Court shall report”.

1982—Subsec. (a). Pub. L. 97-390, § 1(c)(1), substituted provisions of subsec. (a) for provisions formerly preceding proviso which read as follows: “The special police provided for in section 13f of this title shall have the power, within the Supreme Court Building and grounds and adjacent streets, to enforce and make arrests for violations of any provision of sections 13g to 13k of this title, or any regulation prescribed under section 13l of this title or of any law of the United States, any law of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto”.

Subsec. (b). Pub. L. 97-390, § 1(c)(1), designated as subsec. (b) the provisions formerly set out in the form of

a proviso dealing with the authority of the Metropolitan police force of the District of Columbia.

Subsecs. (c), (d). Pub. L. 97-390, § 1(c)(2), added subsecs. (c) and (d).

1973—Pub. L. 93-198 substituted “, any law of the District of Columbia, or of any State,” for “or of any State”.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771 of Pub. L. 93-198 provided that the amendment made by Pub. L. 93-198 is effective Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in title IV of Pub. L. 93-198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 13p of this title.

§ 13o. Suspension of prohibitions against use of Supreme Court grounds

In order to permit the observance of authorized ceremonies within the Supreme Court Building and grounds, the Marshal of the Supreme Court of the United States may suspend for such occasions so much of the prohibitions contained in sections 13g to 13k of this title, as may be necessary for the occasion, but only if responsible officers shall have been appointed, and arrangements determined which are adequate, in the judgment of the Marshal, for the maintenance of suitable order and decorum in the proceedings, and for the protection of the Supreme Court Building and grounds and of persons and property therein.

(Aug. 18, 1949, ch. 479, § 10, 63 Stat. 617.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13n, 13p of this title.

§ 13p. Area of Supreme Court grounds

For the purposes of sections 13f to 13p of this title the Supreme Court grounds shall be held to extend to the line of the face of the east curb of First Street Northeast, between Maryland Avenue Northeast and East Capitol Street; to the line of the face of the south curb of Maryland Avenue Northeast, between First Street Northeast and Second Street Northeast; to the line of the face of the west curb of Second Street Northeast, between Maryland Avenue Northeast and East Capitol Street; and to the line of the face of the north curb of East Capitol Street between First Street Northeast and Second Street Northeast. In addition to the property referred to in the preceding sentence, for the purposes of sections 13f to 13p of this title, the Supreme Court grounds are comprised of any property under the custody and control of the Supreme Court as part of the Supreme Court grounds, including property acquired as provided by law on behalf of the United States in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building.

(Aug. 18, 1949, ch. 479, § 11, 63 Stat. 617; Pub. L. 97-390, § 1(d), Dec. 29, 1982, 96 Stat. 1958.)

AMENDMENTS

1982—Pub. L. 97-390 inserted provision that in addition to the property already referred to, for the pur-

poses of sections 13f to 13p of this title, the Supreme Court grounds are comprised of any property under the custody and control of the Supreme Court as part of the Supreme Court grounds, including property acquired as provided by law on behalf of the United States in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building.

UNITED STATES SUPREME COURT BUILDING; ACQUISITION OF CERTAIN REAL PROPERTY

Pub. L. 96-532, Dec. 15, 1980, 94 Stat. 3130, as amended by Pub. L. 97-390, § 3, Dec. 29, 1982, 96 Stat. 1958, provided: "That the Architect of the Capitol is authorized to acquire on behalf of the United States by purchase, condemnation, transfer, or otherwise, as an addition to the grounds of the United States Supreme Court Building, all privately owned real property contained in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia, as such lots appear on the records in the office of the Surveyor of the District of Columbia as of the date of the enactment of this Act [Dec. 15, 1980]."

"SEC. 2. The acquisition of real property under this Act shall be conducted in accordance with the Act entitled 'Uniform Relocation Assistance and Land Acquisition Policies Act of 1970', Public Law 91-646, approved January 2, 1971 [42 U.S.C. 4601 et seq.], and any proceeding for condemnation brought in its course shall be conducted in accordance with the Act entitled 'An Act to provide for the acquisition of land in the District of Columbia for the use of the United States', approved March 1, 1929 (16 D.C. Code, secs. 1351-1368).

"SEC. 3. Upon acquisition of such real property by the Architect of the Capitol, on behalf of the United States, such property shall become a part of the grounds of the United States Supreme Court Building and shall be subject to all of the provisions of the Act entitled 'An Act to provide for the custody and maintenance of the United States Supreme Court Building and the equipment and grounds thereof', approved May 7, 1934 (40 U.S.C. 13a-13c), and section 6 of the joint resolution entitled 'Joint resolution to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes', approved October 22, 1940 (40 U.S.C. 13e).

"SEC. 4. The Architect of the Capitol is authorized to enter into contracts and to make expenditures for grading and paving and such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act.

"SEC. 5. There is hereby authorized to be appropriated the sum of \$645,000 for fiscal year 1981 for the purpose of carrying out the provisions of this Act, said appropriation to remain available until expended."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13n, 136 of this title.

§ 14. Repealed. Oct. 31, 1951, ch. 654, § 1(80), 65 Stat. 704

Section, act Feb. 13, 1923, ch. 72, 42 Stat. 1239, related to care, maintenance, etc., of Department of Commerce buildings.

§ 14a. Repealed. Pub. L. 92-317, § 3(f), June 22, 1972, 86 Stat. 235

Section, act Apr. 29, 1926, ch. 195, title III, 44 Stat. 356, related to care, maintenance etc., of Bureau of Standards building. See section 278e of Title 15, Commerce and Trade.

§§ 15 to 18. Repealed. Oct. 31, 1951, ch. 654, § 1(80), (81), 65 Stat. 704

Section 15, acts Feb. 13, 1923, ch. 72, 42 Stat. 1239; Feb. 26, 1925, ch. 339, §§ 1-6, 43 Stat. 983, 984; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389;

1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, transferred care, maintenance, and protection of Labor Department Buildings to the Federal Works Administrator.

Section 16, acts Apr. 4, 1924, ch. 84, title I, 43 Stat. 66; Feb. 26, 1925, ch. 339, §§ 1-6, 43 Stat. 983, 984; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, transferred care, maintenance, and protection of Treasury Department Annex building to the Federal Works Administrator.

Section 17, acts Feb. 13, 1923, ch. 72, 42 Stat. 1240; Feb. 26, 1925, ch. 339, §§ 1-6, 43 Stat. 983, 984; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, transferred care, maintenance, and protection of Civil Service Commission buildings to the Federal Works Administrator.

Section 18, acts Feb. 13, 1923, ch. 72, 42 Stat. 1240; Feb. 26, 1925, ch. 339, §§ 1-6, 43 Stat. 983, 984; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, transferred care, maintenance, and protection of Interstate Commerce Commission buildings to the Federal Works Administrator.

§ 18a. Repealed. May 27, 1930, ch. 341, 46 Stat. 394

Section, act Mar. 4, 1929, ch. 707, § 1, 45 Stat. 1625, related to care, maintenance, etc., of Mount Weather, Virginia.

§ 19. Supervision of public buildings and grounds in District of Columbia not otherwise provided for by law; eviction of trespassers

The Administrator of General Services shall have charge of the public buildings and grounds in the District of Columbia, under such regulations as may be prescribed by the President, except those buildings and grounds which are otherwise provided for by law; and when it shall be made to appear to the said Administrator of General Services, or to the officer under his direction having immediate charge of said public buildings and grounds, that any person or persons is in unlawful occupation of any portion of said public lands in the District of Columbia, it shall be the duty of said officer in charge thereof to notify the marshal of the District of Columbia in writing of such unlawful occupation, and the said marshal shall thereupon cause the said trespasser or trespassers to be ejected from said lands, and shall restore possession of the same to the officer charged by law with the custody thereof.

(R.S. 1797; Apr. 28, 1902, ch. 594, 32 Stat. 152; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, § 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1427; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; 1950 Reorg. Plan No. 18, § 2, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270.)

CODIFICATION

R.S. § 1797 derived from acts Aug. 4, 1854, ch. 242, § 15, 10 Stat. 573; Mar. 2, 1867, ch. 167, § 2, 14 Stat. 466; Feb. 14, 1874, ch. 22, 18 Stat. 14.

R.S. § 1797, as amended by act Apr. 28, 1902, gave the charge of public buildings and grounds in the District of Columbia to the Chief of Engineers. The former contained only the provision that the Chief of Engineers should have charge of public buildings and grounds and ended with the words, "otherwise provided for by law." The amendatory act of 1902 added the provisions beginning with the words, "and when it shall be made to appear," etc., to the end of the section.

TRANSFER OF FUNCTIONS

Functions with respect to the operation, maintenance, and custody of office buildings owned by Government and of office or parts thereof acquired by lease, including those post-office buildings which, as determined by Director of Bureau of the Budget, are not used predominantly for post-office purposes, with certain exceptions, transferred from respective agencies in which theretofore vested to Administrator of General Services by section 2 of Reorg. Plan No. 18 of 1950, set out as a note under section 490 of this title. For delegation of those transferred functions to other personnel of General Services Administration, or to heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of that Plan.

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of that act.

Functions of Director of National Park Service relating to public buildings transferred to Federal Works Administrator by section 303(b) of Reorg. Plan No. 1 of 1939, set out in the Appendix to Title 5, Government Organization and Employees. Sections 301 and 303 of that Plan also transferred Public Buildings Branch of Procurement Division in Treasury Department, to Public Buildings Administration, at head of which was Commissioner of Public Buildings who acted under direction and supervision of Federal Works Administrator.

Office of Public Buildings and Public Parks of National Capital abolished and functions thereof transferred to Office of National Parks, Buildings and Reservations of Department of the Interior by Ex. Ord. No. 6166, set out as a note under section 901 of Title 5. Name of Office of National Parks, Buildings and Reservations changed to "National Park Service" by act Mar. 2, 1934.

Office of Public Buildings and Grounds under Chief of Engineers abolished and functions of Chief of Engineers and of Secretary of War with respect thereto transferred to Director of Public Buildings and Public Parks of National Capital by act Feb. 26, 1925.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

TRANSFER OF TITLE OF WHOLLY OWNED GOVERNMENT CORPORATIONS' BUILDINGS; CONTROL AND ALLOTMENT OF SPACE

Act July 30, 1947, ch. 358, title III, §306, 61 Stat. 584, provided in part: "Title to all office buildings at the seat of government, which are owned by wholly owned Government corporations, and all right, title, or interest of such corporations in the land upon which such buildings are located are hereby transferred to the United States, and the Secretary of the Treasury is authorized and directed to discharge the indebtedness to the Treasury of any corporation holding such rights, title, or interests in any such land or building to the value thereof as determined by the Secretary of the Treasury as of the date of transfer: Provided, That in case of disagreement on the part of the head of the Corporation with respect to said value as determined, the Administrator of the Federal Works Agency shall make a final determination of the property value. Hereafter, such buildings shall be controlled and managed in the same manner as prescribed in the Act of March 1, 1919, as amended (former section 1 of this title)."

CROSS REFERENCES

Draping of public buildings in mourning, see section 286 of this title.

Improper use of streets, see section 66 of this title.

Lease of building space by wholly owned Government corporations, and rental, see section 129 of this title.

Operation of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

Use of buildings for public ceremonies, see section 31 of this title.

Vending stands for blind in Federal buildings, see section 107 et seq. of Title 20, Education.

§§ 20, 21. Repealed. Oct. 31, 1951, ch. 654, § 1(79), (82), 65 Stat. 704

Section 20, R.S. §1812, related to an annual report of operations in connection with public buildings and grounds. See section 492 of this title.

Section 21, act May 24, 1922, ch. 199, 42 Stat. 554, related to manufacture and sale of ice, electricity, and steam to executive departments and independent agencies.

§ 22. Omitted

CODIFICATION

Section, acts June 23, 1913, ch. 3, 38 Stat. 25; June 12, 1917, ch. 27, 40 Stat. 112; July 3, 1930, ch. 846, 46 Stat. 907, authorized construction of a central heating, lighting, and power plant to furnish heat, light, and power for certain buildings in Washington, D.C.

Act June 12, 1917, ch. 27, 40 Stat. 112, authorized Secretary of the Treasury, in his discretion, to include among the buildings supplied by the central heating, lighting, and power plant, the Pan American Building, the building occupied by the Civil Service Commission, and the municipal fish market.

Act Mar. 4, 1931, ch. 522, 46 Stat. 1604, provided an appropriation for a central heating plant for buildings in the Triangle, the Treasury group, Museum group, Department of Agriculture group, Bureau of Engraving and Printing group, and the Washington Monument, in lieu of the requirement under act June 23, 1913, supra, as amended.

Act Mar. 3, 1933, ch. 212, 47 Stat. 1502, purported to amend act Mar. 4, 1931, supra, "so as to include the Pan American Union Buildings, old and new, and the American Red Cross Building: *Provided*, That the Pan American Union and the American Red Cross agree (a) to reimburse the United States for the cost of connecting such buildings with the Government mains, and (b) to pay for heat furnished at such rates, not less than cost, as may be determined by the Secretary of the Treasury."

§ 22a. Heat for Corcoran Gallery of Art

The Administrator of General Services is authorized to furnish heat from the Central Heating Plant to the Corcoran Gallery of Art: *Provided*, That the proper authority of such institution agrees (a) to pay for heat furnished at such rates, not less than cost, as may be determined by the Administrator of General Services, and (b) to connect such building with the Government mains in a manner satisfactory to the Administrator of General Services.

(June 19, 1934, ch. 648, title I, 48 Stat. 1044; 1939 Reorg. Plan No. I, §§301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380; 1950 Reorg. Plan No. 18, §2, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270.)

TRANSFER OF FUNCTIONS

For transfer of functions to General Services Administrator, see note set out under section 19 of this title.

This section originally authorized Treasury Department to furnish heat from Central Heating Plant under act June 19, 1934. Public Buildings Branch of Procurement Division in Treasury Department and its functions and personnel transferred to Public Buildings Ad-

ministration of Federal Works Agency by Reorg. Plan No. I of 1939, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Operations of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

§ 22b. Heat for Board of Governors of the Federal Reserve System

The Administrator of General Services is authorized to furnish steam from the central heating plant for the use of the Board of Governors of the Federal Reserve System on the property which has been acquired by it in squares east of 87 and east of 88 in the District of Columbia: *Provided*, That the Board of Governors of the Federal Reserve System agrees to pay for the steam furnished at reasonable rates, not less than cost, as may be determined by the Administrator of General Services: *Provided further*, That the Board of Governors of the Federal Reserve System agrees to provide the necessary connections with the Government mains at its own expense and in a manner satisfactory to the Administrator of General Services.

(June 27, 1935, ch. 320, § 1, 49 Stat. 425; Aug. 23, 1935, ch. 614, § 203(a), 49 Stat. 704; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; 1950 Reorg. Plan No. 18, § 2, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270.)

CHANGE OF NAME

Section 203(a) of act Aug. 23, 1935, changed name of Federal Reserve Board to Board of Governors of the Federal Reserve System.

TRANSFER OF FUNCTIONS

For transfer of functions to General Services Administrator, see note set out under section 19 of this title.

This section originally authorized Secretary of the Interior through National Park Service to furnish heat from Central Heating Plant under act June 27, 1935. Branch of Buildings Management of National Park Service and its functions and personnel transferred to Public Buildings Administration of Federal Works Agency by Reorg. Plan No. I of 1939, set out in the Appendix to Title 5, Government Organization and Employees.

REPEAL OF INCONSISTENT ACTS

Section 3 of act June 27, 1935 provided that: "All Acts and parts of Acts which may be inconsistent or in conflict with this Act [enacting this section and section 22c of this title] are hereby repealed to the extent of such inconsistency or conflict."

CROSS REFERENCES

Operations of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

§ 22c. Rates for heat for non-Federal public buildings

On and after June 27, 1935 the rates to be paid for steam furnished to the Corcoran Gallery of Art, the buildings, old and new, of the Pan American Union, the American Red Cross Buildings, and such other non-Federal public buildings as are or hereafter may be authorized to receive steam from the central heating plant shall

be determined by the Administrator of General Services.

(June 27, 1935, ch. 320, § 2, 49 Stat. 425; 1939 Reorg. Plan No. I, § 303(b), eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1427; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; 1950 Reorg. Plan No. 18, § 2, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270.)

TRANSFER OF FUNCTIONS

For transfer of functions to General Services Administrator, see note set out under section 19 of this title.

This section originally provided that Secretary of the Interior should determine rates to be paid for steam. Functions of Secretary of the Interior relating to administration of functions of Branch of Buildings Management transferred to Federal Works Administrator by Reorg. Plan No. I of 1939, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Operations of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

§§ 23, 24. Repealed. Pub. L. 86-249, § 17(1), (2), Sept. 9, 1959, 73 Stat. 484

Section 23, act Sept. 1, 1916, ch. 433, § 6, 39 Stat. 716, prescribed maximum rates payable to Washington Gas Light Company or Georgetown Gas Light Company for gas used in any public buildings of the United States or the District of Columbia.

Section 24, act Mar. 4, 1911, ch. 285, 36 Stat. 1404, related to sum payable for lighting gas and electric lamps in public grounds.

SAVINGS PROVISION

Sections repealed except as to their application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§§ 25 to 27. Omitted

CODIFICATION

Section 25, act Mar. 15, 1934, ch. 70, title I, 48 Stat. 442, related to amount to be paid as rentals for gas governors in certain public buildings, and was not repeated in subsequent appropriations acts.

Section 26, act Apr. 17, 1936, ch. 233, 49 Stat. 1224, related to inspection of gas and electric meters, and was not repeated in subsequent appropriations acts.

Section 27, acts July 31, 1876, ch. 246, 19 Stat. 115; Mar. 3, 1877, ch. 105, 19 Stat. 359; June 10, 1921, ch. 18, §§ 301, 304, 42 Stat. 23, 24, related to reports of gas consumption.

§ 27a. Repealed. Oct. 31, 1951, ch. 654, § 1(83), 65 Stat. 704

Section, act Aug. 9, 1937, ch. 570, 50 Stat. 608, related to monthly reports of consumption of gas and electricity to General Accounting Office.

§§ 28 to 30a. Omitted

CODIFICATION

Section 28, acts Feb. 4, 1874, ch. 22, 18 Stat. 14; June 20, 1874, ch. 328, 18 Stat. 88; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Or. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389, related to telegraph lines connecting the Capitol with various departments in Washington.

Section 29, act Mar. 7, 1874, ch. 50, 18 Stat. 20, restricted use of telegraph lines to certain authorized persons.

Section 30, acts Mar. 3, 1879, ch. 182, 20 Stat. 388; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Or. No. 6166, § 2, eff.

June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389, related to sale of condemned materials or lines.

Section 30a, acts Dec. 20, 1928, ch. 39, title I, 45 Stat. 1048; May 15, 1930, ch. 289, title I, 46 Stat. 358; Feb. 23, 1931, ch. 277, title I, 46 Stat. 1235; July 5, 1932, ch. 430, title I, 47 Stat. 596; Mar. 3, 1933, ch. 212, title I, 47 Stat. 1506; Mar. 15, 1934, ch. 70, title I, 48 Stat. 442, authorized Secretary of the Treasury to contract for telephone service in public buildings under the control of Treasury Department.

§ 31. Use of public buildings for public ceremonies

No public building, or the approaches thereto, other than the Capitol Building and the White House, in the District of Columbia, shall be used or occupied in any manner whatever in connection with ceremonies attending the inauguration of President of the United States or other public function, except as may be expressly authorized by law.

(Apr. 28, 1902, ch. 594, 32 Stat. 152.)

§§ 32, 33. Repealed. Pub. L. 86-249, § 17(3), (4), Sept. 9, 1959, 73 Stat. 484

Section 32, act July 15, 1870, ch. 293, 16 Stat. 311, related to alterations or work on Treasury Building. See section 601 et seq. of this title.

Section 33, act Mar. 4, 1907, ch. 2918, § 9, 34 Stat. 1371; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; act June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380; 1950 Reorg. Plan No. 18, § 2, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, restricted expenditures for production of electricity.

SAVINGS PROVISION

Sections repealed except as to their application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 33a. Omitted

CODIFICATION

Section, Pub. L. 87-125, title V, § 507, Aug. 3, 1961, 75 Stat. 283, which prohibited use of funds available to wholly owned Government corporations for purchase or construction of office buildings without specific authority in law, was from the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriations acts:

July 12, 1960, Pub. L. 86-642, title II, § 207, 74 Stat. 478.
 July 8, 1959, Pub. L. 86-79, title II, § 207, 73 Stat. 166.
 June 25, 1958, Pub. L. 85-468, title II, § 207, 72 Stat. 225.
 June 5, 1957, Pub. L. 85-48, title II, § 207, 71 Stat. 54.
 June 13, 1956, ch. 385, title II, § 207, 70 Stat. 281.
 June 29, 1955, ch. 226, title II, § 207, 69 Stat. 196.
 Aug. 26, 1954, ch. 935, ch. XIII, § 1307, 68 Stat. 829.
 Aug. 7, 1953, ch. 340, ch. XIII, § 1307, 67 Stat. 436.
 July 15, 1952, ch. 758, ch. XIV, § 1407, 66 Stat. 660.
 Nov. 1, 1951, ch. 664, ch. XIII, § 1307, 65 Stat. 756.
 Sept. 6, 1950, ch. 896, title XII, § 1207, 64 Stat. 764.
 Aug. 24, 1949, ch. 506, title III, § 307, 63 Stat. 662.
 June 30, 1948, ch. 773, title III, § 302, 62 Stat. 1194.
 July 30, 1947, ch. 358, title III, § 302, 61 Stat. 583.
 July 20, 1946, ch. 589, title III, § 302, 60 Stat. 595.

§ 34. Rent of buildings in District of Columbia; contracts not to be made until appropriation

No contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District

of Columbia, until an appropriation therefor shall have been made in terms by Congress, and this clause shall be regarded as notice to all contractors or lessors of any such building or any part of building.

(Mar. 3, 1877, ch. 106, 19 Stat. 370.)

CROSS REFERENCES

Operation of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

Section inapplicable to lease-purchase contracts, see section 356 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 356 of this title; title 8 section 1363a; title 15 section 2076; title 19 section 2081; title 26 section 7608; title 42 sections 242b, 282, 285a-2, 285b-3, 299c-4, 300cc-41, 1532, 2473.

§ 35. Rent of other buildings

Where buildings are rented for public use in the District of Columbia, the executive departments are authorized, whenever it shall be advantageous to the public interest, to rent others in their stead: *Provided*, That, except as otherwise provided, no increase in the number of buildings in use, nor in the amounts paid for rents, shall result therefrom.

(Aug. 5, 1882, ch. 389, 22 Stat. 241.)

CODIFICATION

Act Aug. 5, 1882, did not contain “except as otherwise provided.”. The word “now” after “buildings” in the proviso was eliminated.

Section is based on Legislative, Executive, and Judicial Appropriation Act of Aug. 5, 1882, fiscal year 1883.

CROSS REFERENCES

Operation of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

§ 36. Repealed. Pub. L. 85-493, § 2, July 2, 1958, 72 Stat. 294

Section, acts Mar. 2, 1913, ch. 93, 37 Stat. 718; June 14, 1946, ch. 404, § 6, 60 Stat. 258; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380, authorized the Commissioner of Public Buildings to enter into leases for periods not exceeding five years. See section 490 of this title.

§ 37. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569

Section, acts July 9, 1918, ch. 143, 40 Stat. 861; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501, authorized Secretary of the Army to lease buildings in District of Columbia. See sections 4780 and 9780 of Title 10, Armed Forces.

§ 37a. Repealed. Pub. L. 85-493, § 2, July 2, 1958, 72 Stat. 294

Section, acts June 16, 1949, ch. 218, title IV, § 407, 63 Stat. 199; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; Aug. 9, 1955, ch. 629, 69 Stat. 552, which authorized Commissioner of Public Buildings to lease additional space in District of Columbia for periods not in excess of five years. See section 490 of this title.

§§ 38 to 40. Omitted

CODIFICATION

Section 38, act Mar. 4, 1913, ch. 142, 37 Stat. 771, related to temporary rental of a building for Navy Department.

Section 39, act May 10, 1916, ch. 117, 39 Stat. 109, related to temporary rental of a building for Department of Justice.

Section 40, act May 10, 1916, ch. 117, 39 Stat. 118, related to temporary rental of a building for Department of Labor.

§ 40a. Transferred

CODIFICATION

Section, acts June 30, 1932, ch. 314, §322, 47 Stat. 412; Mar. 3, 1933, ch. 212, title II, §15, 47 Stat. 1517, which related to maximum rental for lease of buildings to the Government, was transferred to section 278a of this title and was subsequently repealed.

§ 41. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1569

Section, acts July 8, 1918, ch. 139, 40 Stat. 826; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501, related to requisition of buildings in District of Columbia by Secretary of the Army. See sections 4780 and 9780 of Title 10, Armed Forces.

§ 42. Rooms and accommodations for Office of Personnel Management

It shall be the duty of the Administrator of General Services to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted, at the city of Washington, for carrying on the work of the Office of Personnel Management and the examinations provided for in sections 3304 and 3305 of title 5, and to cause the necessary stationery and other articles to be supplied and the necessary printing to be done for the said Office.

(Jan. 16, 1883, ch. 27, § 4, 22 Stat. 405; May 29, 1920, ch. 214, 41 Stat. 642; 1950 Reorg. Plan No. 18, §§1, 2, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270; 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783.)

CODIFICATION

The words “the examinations provided for in sections 3304 and 3305 of title 5” were substituted for “said examinations”, meaning the examinations provided for in section 3 of act Jan. 16, 1883, to reflect the enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1920—Act May 29, 1920, transferred the duty under this section, as enacted originally, from the Secretary of the Interior to the Civil Service Commission.

TRANSFER OF FUNCTIONS

“Office of Personnel Management” and “said Office” substituted in text for “Civil Service Commission” and “said commission”, respectively, pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

Functions with respect to acquiring space in buildings by lease, functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), and functions with respect to operation, maintenance, and custody of office buildings owned by Government and of office buildings or

parts thereof acquired by lease, including those post-office buildings which, as determined by Director of Bureau of the Budget, are not used predominantly for post-office purposes, with certain exceptions, transferred from respective agencies in which theretofore vested to Administrator of General Services by sections 1 and 2 of Reorg. Plan No. 18 of 1950, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out as a note under section 490 of this title. For delegation of those transferred functions to other personnel of General Services Administration, or to heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of that Plan.

CROSS REFERENCES

Contracts for rent precluded until specific appropriations therefor are made, see section 34 of this title.

Operation of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

Office of Personnel Management, organization of, see section 1101 et seq. of Title 5, Government Organization and Employees.

§ 43. Advertisements and sales in or around Washington Monument

No advertisement of any kind shall be displayed and no articles of any kind shall be sold in or around the Washington Monument, except upon the written authority of the Director of the National Park Service.

(Mar. 4, 1909, ch. 299, 35 Stat. 997; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983; Ex. Ord. No. 6166, §2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389.)

CODIFICATION

Section is based on act Mar. 4, 1909, which appropriated funds for care and maintenance of the Washington Monument.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Feb. 9, 1909, ch. 101, 35 Stat. 615.

May 27, 1908, ch. 200, 35 Stat. 358.

CHANGE OF NAME

Act Mar. 2, 1934, changed name of Office of National Parks, Buildings, and Reservations of Department of the Interior to National Park Service.

TRANSFER OF FUNCTIONS

Ex. Ord. No. 6166, set out as a note under section 901 of Title 5, Government Organization and Employees, abolished Office of Public Buildings and Public Parks of National Capital and transferred its functions to Office of National Parks, Buildings, and Reservations of Department of the Interior.

Act Feb. 26, 1925, transferred functions of Secretary of War under this section, as enacted originally, to Directors of Public Buildings and Public Parks of National Capital.

§ 44. Repealed. Oct. 31, 1951, ch. 654, § 1(84), 65 Stat. 704

Section, act June 30, 1906, ch. 3912, 34 Stat. 659, related to control of fishponds in the Monument Grounds, grounds around them, and buildings thereon.

§ 45. Chief of Engineers; charge of Washington Aqueduct and other public works

The Chief of Engineers shall have the immediate superintendence of the Washington Aqueduct, together with all rights, appurtenances,

and fixtures connected with the same, and belonging to the United States, and of all other public works and improvements in the District of Columbia in which the Government has an interest, and which are not otherwise specially provided for by law.

(R.S. § 1800.)

CODIFICATION

R.S. § 1800 derived from acts Mar. 3, 1859, ch. 84, § 1, 11 Stat. 435; June 25, 1860, ch. 211, § 1, 12 Stat. 106; Mar. 2, 1867, ch. 167, § 2, 14 Stat. 466; Mar. 30, 1867, ch. 20, § 3, 15 Stat. 12.

Act Mar. 2, 1927, ch. 271, 44 Stat. 1331, which was the District of Columbia Appropriation Act for the fiscal year 1928, provided that nothing therein should be construed as affecting the superintendence and control of the Secretary of War over said aqueduct.

WASHINGTON AQUEDUCT

Pub. L. 104-182, title III, § 306, Aug. 6, 1996, 110 Stat. 1685, provided that:

“(a) DEFINITIONS.—In this section:

“(1) NON-FEDERAL PUBLIC WATER SUPPLY CUSTOMER.—The terms ‘non-Federal public water supply customer’ and ‘customer’ mean—

“(A) the District of Columbia;

“(B) Arlington County, Virginia; and

“(C) the city of Falls Church, Virginia.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Army, acting through the Chief of Engineers.

“(3) VALUE TO THE GOVERNMENT.—The term ‘value to the Government’ means the net present value of a contract entered into under subsection (e)(2), calculated in accordance with subparagraphs (A) and (B) of section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5)), other than section 502(5)(B)(I) [probably means section 502(5)(B)(i)] of the Act, as though the contract provided for repayment of a direct loan to a customer.

“(4) WASHINGTON AQUEDUCT.—The term ‘Washington Aqueduct’ means the Washington Aqueduct facilities and related facilities owned by the Federal Government as of the date of enactment of this Act [Aug. 6, 1996], including—

“(A) the dams, intake works, conduits, and pump stations that capture and transport raw water from the Potomac River to the Dalecarlia Reservoir;

“(B) the infrastructure and appurtenances used to treat water taken from the Potomac River to potable standards; and

“(C) related water distribution facilities.

“(b) REGIONAL ENTITY.—

“(1) IN GENERAL.—The Congress encourages and grants consent to the customers to establish a non-Federal public or private entity, or to enter into an agreement with an existing non-Federal public or private entity, to—

“(A) receive title to the Washington Aqueduct; and

“(B) operate, maintain, and manage the Washington Aqueduct in a manner that adequately represents all interests of its customers.

“(2) CONSIDERATION.—If an entity receiving title to the Washington Aqueduct is not composed entirely of non-Federal public water supply customers, the entity shall consider the customers’ historical provision of equity for the Aqueduct.

“(3) PRIORITY ACCESS.—The customers shall have priority access to any water produced by the Washington Aqueduct.

“(4) CONSENT OF THE CONGRESS.—The Congress grants consent to the customers to enter into any interstate agreement or compact required to carry out this section.

“(5) STATUTORY CONSTRUCTION.—This section shall not preclude the customers from pursuing any option

regarding ownership, operation, maintenance, and management of the Washington Aqueduct.

“(c) PROGRESS REPORT AND PLAN.—Not later than 1 year after the date of enactment of this Act [Aug. 6, 1996], the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on any progress in achieving the objectives of subsection (b)(1) and shall submit a plan for the transfer of ownership, operation, maintenance, and management of the Washington Aqueduct to a non-Federal public or private entity. Such plan shall include a detailed consideration of any proposal to transfer such ownership, maintenance, or management to a private entity.

“(d) TRANSFER.—

“(1) IN GENERAL.—Subject to subsection (b)(2), the other provisions of this subsection, and any other terms and conditions the Secretary considers appropriate to protect the interests of the United States, the Secretary shall, not later than 3 years after the date of enactment of this Act [Aug. 6, 1996] and with the consent of a majority of the customers and without consideration to the Federal Government, transfer all right, title, and interest of the United States in the Washington Aqueduct, and its real property, facilities, and personalty, to a non-Federal, public or private entity. Approval of such transfer shall not be unreasonably withheld by the Secretary.

“(2) ADEQUATE CAPABILITIES.—The Secretary shall transfer ownership of the Washington Aqueduct under paragraph (1) only if the Secretary determines, after opportunity for public input, that the entity to receive ownership of the Aqueduct has the technical, managerial, and financial capability to operate, maintain, and manage the Aqueduct.

“(3) RESPONSIBILITIES.—The Secretary shall not transfer title under this subsection unless the entity to receive title assumes full responsibility for performing and financing the operation, maintenance, repair, replacement, rehabilitation, and necessary capital improvements of the Washington Aqueduct so as to ensure the continued operation of the Washington Aqueduct consistent with the Aqueduct’s intended purpose of providing an uninterrupted supply of potable water sufficient to meet the current and future needs of the Aqueduct’s service area.

“(e) BORROWING AUTHORITY.—

“(1) BORROWING.—

“(A) IN GENERAL.—Subject to the other provisions of this paragraph and paragraph (2), the Secretary is authorized to borrow from the Treasury of the United States such amounts for fiscal years 1997, 1998, and 1999 as are sufficient to cover any obligations that the Army Corps of Engineers is required to incur in carrying out capital improvements during fiscal years 1997, 1998, and 1999 for the Washington Aqueduct to ensure continued operation of the Aqueduct until such time as a transfer of title to the Aqueduct has taken place.

“(E)(B) LIMITATION.—The amount borrowed by the Secretary under subparagraph (A) may not exceed \$29,000,000 for fiscal year 1997, \$24,000,000 for fiscal year 1998, and \$22,000,000 for fiscal year 1999.

“(C) AGREEMENT.—Amounts borrowed under subparagraph (A) may only be used for capital improvements agreed to by the Army Corps of Engineers and the customers.

“(D) TERMS OF BORROWING.—

“(i) IN GENERAL.—The Secretary of the Treasury shall provide the funds borrowed under subparagraph (A) under such terms and conditions as the Secretary of Treasury determines to be necessary and in the public interest and subject to the contracts required under paragraph (2).

“(ii) TERM.—The term of any loan made under subparagraph (A) shall be for a period of not less than 20 years.

“(iii) PREPAYMENT.—There shall be no penalty for the prepayment of any amounts borrowed under subparagraph (A).

“(2) CONTRACTS WITH CUSTOMERS.—

“(A) IN GENERAL.—The borrowing authority under paragraph (1)(A) shall be effective only after the Chief of Engineers has entered into contracts with each customer under which the customer commits to repay a pro rata share (based on water purchase) of the principal and interest owed by the Secretary to the Secretary of the Treasury under paragraph (1).

“(B) PREPAYMENT.—Any customer may repay, at any time, the pro rata share of the principal and interest then owed by the customer and outstanding, or any portion thereof, without penalty.

“(C) RISK OF DEFAULT.—Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

“(D) OBLIGATIONS.—Each contract under subparagraph (A) shall include such terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts entered into under subparagraph (A) is estimated to be equal to the obligations of the Army Corps of Engineers for carrying out capital improvements at the Washington Aqueduct at the time that each series of contracts is entered into.

“(E) OTHER CONDITIONS.—Each contract entered into under subparagraph (A) shall—

“(i) provide that the customer pledges future income only from fees assessed for principal and interest payments required by such contracts and costs to operate and maintain the Washington Aqueduct;

“(ii) provide the United States priority in regard to income from fees assessed to operate and maintain the Washington Aqueduct; and

“(iii) include other conditions consistent with this section that the Secretary of the Treasury determines to be appropriate.

“(3) LIMITATIONS.—

“(A) BORROWING AUTHORITY.—The Secretary’s borrowing authority for making capital improvements at the Washington Aqueduct under paragraph (1) shall not extend beyond fiscal year 1999.

“(B) OBLIGATION AUTHORITY.—Upon expiration of the borrowing authority exercised under paragraph (1), the Secretary shall not obligate funds for making capital improvements at the Washington Aqueduct except funds which are provided in advance by the customers. This limitation does not affect the Secretary’s authority to conduct normal operation and maintenance activities, including minor repair and replacement work.

“(4) IMPACT ON IMPROVEMENT PROGRAM.—Not later than 180 days after the date of enactment of this Act [Aug. 6, 1996], the Secretary, in consultation with other Federal agencies, shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that assesses the impact of the borrowing authority provided under this subsection on the near-term improvement projects in the Washington Aqueduct Improvement Program, work scheduled, and the financial liability to be incurred.

“(f) REISSUANCE OF NPDES PERMIT.—Prior to reissuing a National Pollutant Discharge Elimination System (NPDES) permit for the Washington Aqueduct, the Administrator of the Environmental Protection Agency shall consult with the customers and the Secretary regarding opportunities for more efficient water facility configurations that might be achieved through various possible transfers of the Washington Aqueduct. Such consultation shall include specific consideration of concerns regarding a proposed solids recovery facility, and may include a public hearing.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 48 of this title.

§ 46. Compensation of Chief of Engineers

The Chief of Engineers shall receive no compensation, other than his regular pay as an officer of the Corps of Engineers, for the services required of him under the provisions of title 21 of the Revised Statutes.

(R.S. § 1807.)

REFERENCES IN TEXT

Title 21 of the Revised Statutes, referred to in text, was in the original “this Title”, meaning title 21 of the Revised Statutes, comprising R.S. §§ 1795 to 1835, which were classified to sections 49 to 52 of former Title 3, The President, sections 6 and 7 of former Title 4, Flag and Seal, Seat of Government and the States, section 702 of former Title 18, Criminal Code and Criminal Procedure, and sections 8, 19, 20, 45 to 52, 54 to 58, 66, 102, 166, 170, 187 to 189, 193, 206, 207, 208, 210, 211, 215, 216, 218 to 221 of this title. Such sections 49 to 52 of former Title 3 were repealed by act June 25, 1948, ch. 644, § 3, 62 Stat. 672, and are covered by sections 109 and 110 of revised Title 3. Such sections 6 and 7 of former Title 4 were repealed by act July 30, 1947, ch. 389, § 2, 61 Stat. 645, and are covered by sections 71 and 72 of revised Title 4. Such section 702 of former Title 18 was repealed by act June 25, 1948, ch. 645, § 21, eff. Sept. 1, 1948, as covered by D.C. Code, 1940, § 24-416. Such sections 8, 20, and 218 to 220 of this title were repealed by act Oct. 31, 1951, ch. 654, §§ 1(75)–(80), (82), 3(19)–(21), 65 Stat. 704, 709. Such sections 57, 58, and 221 of this title were omitted from the Code. See notes thereunder.

CODIFICATION

R.S. § 1807 derived from act Mar. 3, 1859, ch. 84, § 1, 11 Stat. 435.

§ 47. Apartments of Chief of Engineers

The Chief of Engineers shall be furnished official apartments in one of the public buildings in the city of Washington, as may be directed by the Administrator of General Services, and shall be supplied by the Government with the stationery, instruments, books, and furniture which may be required for the performance of his duties.

(R.S. § 1808; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

CODIFICATION

R.S. § 1808 derived from act Mar. 3, 1859, ch. 84, § 1, 11 Stat. 435.

REPEALS

Section 10 of act Mar. 1, 1919, ch. 86, 40 Stat. 1269, formerly set out as a credit to this section, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 644.

TRANSFER OF FUNCTIONS

Functions of office of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Office of Commissioner of Public Buildings and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

R.S. § 1808 provided that official apartments should be furnished to the Chief of Engineers at the direction of the President. The function of allotment of space in public buildings in the District of Columbia was placed in the Public Buildings Commission by act Mar. 1, 1919, ch. 86, § 10, 40 Stat. 1269.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

CROSS REFERENCES

Operations of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

§ 48. Obedience to President by Chief of Engineers

The Chief of Engineers shall obey, in the discharge of the duties mentioned in section 45 of this title, such regulations, pursuant to law, as may be prescribed by the President, through the Department of the Army.

(R.S. §1801; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CODIFICATION

R.S. §1801 derived from acts May 2, 1828, ch. 45, §4, 4 Stat. 266; Mar. 3, 1859, ch. 84, §1, 11 Stat. 435; June 25, 1860, ch. 211, §1, 12 Stat. 106; Mar. 30, 1867, ch. 20, §3, 15 Stat. 12.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

§ 49. Record of property by Chief of Engineers

The Chief of Engineers shall keep in his office a complete record of all the lands and other property connected with or belonging to the Washington Aqueduct and other public works under his charge, together with accurate plans and surveys of the public grounds and reservations in the District of Columbia.

(R.S. §1809.)

CODIFICATION

R.S. §1809 derived from act Mar. 3, 1859, ch. 84, §1, 11 Stat. 435.

§ 50. Reports by Chief of Engineers

The Chief of Engineers shall, as superintendent of the Washington Aqueduct, annually submit to the Secretary of the Army, within nine months after the end of the fiscal year, a report of the Chief of Engineers' operations for that year and a report of the condition, progress, repairs, casualties, and expenditures of the Washington Aqueduct and other public works under the Chief of Engineers' charge.

(R.S. §1812; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501; Pub. L. 96-470, title II, §202(a), Oct. 19, 1980, 94 Stat. 2242.)

CODIFICATION

R.S. §1812 derived from acts Mar. 3, 1829, ch. 51, §3, 4 Stat. 363; Aug. 4, 1854, ch. 242, §15, 10 Stat. 573; Mar. 3, 1859, ch. 84, §1, 11 Stat. 435; June 25, 1860, ch. 211, §1, 12 Stat. 106.

Provisions of this section which authorized the Chief of Engineers, as Superintendent of Public Buildings and Grounds, to report to the Secretary of War [Army] concerning the Chief of Engineers' operations for the preceding year including an account of the manner in

which all appropriations for public buildings and grounds had been applied, were omitted in view of the abolishment of the Office of Public Buildings and Grounds under the Chief of Engineers and the transfer of the functions of the Chief of Engineers and the Secretary of War with respect thereto to the Director of Public Buildings and Public Parks of the National Capital by act Feb. 26, 1925, ch. 339, §3, 43 Stat. 983.

AMENDMENTS

1980—Pub. L. 96-470 substituted "within nine months after the end of the fiscal year, a report of the Chief of Engineers' operations for that year" for "in time to accompany the annual message of the President to Congress, a report of his operations for the preceding year" and "the Chief of Engineers' charge" for "his charge".

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

§ 51. Authority of Chief of Engineers

The Chief of Engineers and his necessary assistants are empowered to use all lawful means for the discharge of their duties; and, particularly, he shall have full control over the Washington Aqueduct, to regulate the manner in which the authorities of the District of Columbia may tap the supply of water to the inhabitants thereof; and he shall stop the same whenever it is found to be no more than adequate to the wants of the public buildings and grounds.

(R.S. §1810.)

CODIFICATION

R.S. §1810 derived from acts May 2, 1828, ch. 45, §4, 4 Stat. 266; Mar. 3, 1859, ch. 84, §1, 11 Stat. 435.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 52 of this title.

§ 52. Appeal to Secretary of the Army by Chief of Engineers

The decision of the Chief of Engineers on all questions concerning the supply of water, as provided in section 51 of this title, shall be subject to appeal to the Secretary of the Army only.

(R.S. §1811; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CODIFICATION

R.S. §1811 derived from act Mar. 3, 1859, ch. 84, §1, 11 Stat. 435.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

§ 53. Repealed. Pub. L. 94-587, § 165, Oct. 22, 1976, 90 Stat. 2934

Section, acts Sept. 1, 1916, ch. 433, 39 Stat. 693; Mar. 4, 1942, ch. 129, 56 Stat. 123, authorized Chief of Engineers of Department of the Army to enforce traffic regulations for protection of Washington Aqueduct and Filtration Plant, provided for imposition of fines ranging from \$1 to \$40, specified tribunals for conduct of prosecutions in District of Columbia and State of Maryland, and authorized arresting officers to parole arrested persons for attendance at trial.

§ 53a. MacArthur Boulevard; jurisdiction and control

Jurisdiction and control over MacArthur Boulevard for its full width in the District of Columbia between Foxhall Road and the District line, excepting a strip nineteen feet wide within the lines of said road, the center of which is coincident with the center of the water supply conduit, is transferred from the Secretary of the Army to the Council of the District of Columbia, and property abutting thereon shall be subject to any and all lawful assessments which may be levied by the said council for public improvements, the same as other private property in the District of Columbia: *Provided*, That all municipal laws and regulations shall apply to the entire width of the said road in the District of Columbia in the same degree that they apply to other streets and highways in the said District.

(May 22, 1926, ch. 372, 44 Stat. 627; Mar. 4, 1942, ch. 129, 56 Stat. 123; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; 1967 Reorg. Plan No. 3, § 402(172), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, § 401, Dec. 24, 1973, 87 Stat. 785.)

CODIFICATION

Section is also set out in D.C. Code, § 7-1401.

AMENDMENTS

1942—Act Mar. 4, 1942, changed name of Conduit Road to MacArthur Boulevard.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

TRANSFER OF FUNCTIONS

"Council of the District of Columbia" substituted in text for "District of Columbia Council" pursuant to section 401 of Pub. L. 93-198. District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1-211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198, classified to section 1-221 of the District of Columbia Code.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(172) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commis-

sioners relating to the jurisdiction and control over MacArthur Boulevard (formerly Conduit Road) and the levying of assessments for public improvements under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

§ 54. Moneys for public works; expenditure

All moneys appropriated for the Washington Aqueduct, and for the other public works in the District of Columbia, not otherwise expressly provided for by law, shall be expended under the direction of the Secretary of the Army.

(R.S. § 1802; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

R.S. § 1802 derived from acts Mar. 3, 1859, ch. 84, § 1, 11 Stat. 435; June 18, 1862, No. 36, 12 Stat. 620; Mar. 30, 1867, ch. 20, § 3, 15 Stat. 12.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

§ 55. Mains or pipes; laying for use of public buildings

No greater number of main pipes of the Washington Aqueduct shall be laid at the expense of the United States than are sufficient to furnish the public buildings, offices, and grounds with the necessary supply of water. The cost of any main pipe, for the supply of water to the inhabitants of Washington, must be paid by the District of Columbia, in the manner provided by law.

(R.S. § 1805; Feb. 11, 1895, ch. 79, 28 Stat. 650.)

CODIFICATION

R.S. § 1805 derived from act Mar. 3, 1859, ch. 84, § 6, 11 Stat. 436.

Section is also set out in D.C. Code, § 43-1549.

§ 56. Unauthorized opening

No person, unless by consent of the Chief of Engineers, shall tap or open the mains or pipes laid or hereafter to be laid by the United States, under a penalty of not less than \$50 nor more than \$500.

(R.S. § 1803; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983.)

CODIFICATION

The words "in charge of public buildings and works" which followed "Chief of Engineers" were omitted in view of the abolition of the Office of Public Buildings and Grounds under the Chief of Engineers and the transfer of certain functions of the Chief of Engineers to the Director of Public Buildings and Public Parks of the National Capital by act Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983. For further details, see notes set out under section 19 of this title.

R.S. § 1803 derived from act Mar. 3, 1859, ch. 84, § 5, 11 Stat. 436.

Section is also set out in D.C. Code, § 43-1550.

§§ 57, 58. Omitted

CODIFICATION

Section 57, R.S. § 1804; act Feb. 11, 1895, ch. 79, 28 Stat. 650, which related to punishment for breaking or destroying pipes, hydrants, etc., in the city of Washington, was omitted as not having general applicability. See section 43-1548 of the District of Columbia Code.

Section 58, R.S. § 1806; act Feb. 11, 1895, ch. 79, 28 Stat. 650, which related to punishment for maliciously making water impure in the city of Washington, was omitted as not having general applicability. See section 22-3118 of the District of Columbia Code.

§ 59. Repealed. Pub. L. 86-249, § 17(5), Sept. 9, 1959, 73 Stat. 484

Section, act Mar. 3, 1883, ch. 143, 22 Stat. 615, provided for shutting off of water in public buildings in District of Columbia.

SAVINGS PROVISION

Section repealed except as to its application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 60. Omitted

CODIFICATION

Section, act July 1, 1898, ch. 543, § 1, 30 Stat. 570, which related to street parking in the District of Columbia, was omitted as not having general applicability. See section 8-106 of the District of Columbia Code.

§ 60a. Reservation of parking spaces for Members of Congress

On and after June 29, 1956, the Council of the District of Columbia is authorized and directed to designate, reserve, and properly mark appropriate and sufficient parking spaces on the streets adjacent to all public buildings in the District for the use of Members of Congress engaged on public business.

(June 29, 1956, ch. 479, 70 Stat. 447; 1967 Reorg. Plan No. 3, § 402(300), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 969; Pub. L. 93-198, title IV, § 401, Dec. 24, 1973, 87 Stat. 785.)

CODIFICATION

Section is from the District of Columbia Appropriation Act, 1957.

Section is also set out in D.C. Code, § 40-710.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

July 5, 1955, ch. 272, 69 Stat. 254.
 July 1, 1954, ch. 499, 68 Stat. 386.
 July 31, 1953, ch. 299, 67 Stat. 290.
 July 5, 1952, ch. 576, 66 Stat. 385.
 Aug. 3, 1951, ch. 292, 65 Stat. 167.
 July 18, 1950, ch. 467, 64 Stat. 364.
 June 29, 1949, ch. 279, 63 Stat. 319.
 June 19, 1948, ch. 555, 62 Stat. 553.
 July 25, 1947, ch. 324, 61 Stat. 443.
 July 9, 1946, ch. 544, 60 Stat. 518.
 June 30, 1945, ch. 209, 59 Stat. 289.
 June 28, 1944, ch. 300, 58 Stat. 526.
 July 1, 1943, ch. 184, 57 Stat. 338.
 June 27, 1942, ch. 452, 56 Stat. 451.
 July 1, 1941, ch. 271, 55 Stat. 529.
 June 12, 1940, ch. 333, 54 Stat. 334.
 July 15, 1939, ch. 281, 53 Stat. 1033.

TRANSFER OF FUNCTIONS

“Council of the District of Columbia” substituted in text for “District of Columbia Council” pursuant to section 401 of Pub. L. 93-198, District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1-211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198, classified to section 1-221 of the District of Columbia Code.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(300) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to designating and reserving parking spaces for the use of members of the Congress under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

§§ 61 to 63. Omitted

CODIFICATION

Section 61, act Feb. 22, 1921, ch. 70, 41 Stat. 1117, which related to jurisdiction and control of the Highway Bridge, was omitted as not having general applicability. See section 7-507 of the District of Columbia Code.

Section 62, act Feb. 28, 1923, ch. 148, 42 Stat. 1338, which related to jurisdiction and control of the Francis Scott Key Bridge, was omitted as not having general applicability. See section 7-511 of the District of Columbia Code.

Section 63, act June 7, 1924, ch. 302, 43 Stat. 550, which related to construction and repair of bridges over railway and canal right of ways in the District of Columbia, was omitted as not having general applicability. See section 7-502 of the District of Columbia Code.

§ 64. Jurisdiction over portion of B Street

The jurisdiction over that portion of B Street west of Virginia Avenue, under the control of the Commissioners of the District of Columbia prior to May 27, 1908, shall be under the Director of the National Park Service.

(May 27, 1908, ch. 200, 35 Stat. 356; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Ex. Ord. No. 6166 abolished Office of Public Buildings and Public Parks of National Capital and transferred functions thereof to Office of National Parks, Buildings and Reservations of Department of the Interior. Act Mar. 2, 1934, changed name of latter office to National Park Service.

Act May 27, 1908, transferred jurisdiction from Commissioners of District of Columbia to Chief of Engineers. Act Feb. 26, 1925, transferred functions of latter to Director of Public Buildings and Public Parks of National Capital.

§ 65. Omitted

CODIFICATION

Section, R.S. §1813; act June 20, 1874, ch. 337, §2, 18 Stat. 116, which related to limitation on contracts of the District of Columbia commissioners, was omitted as not having general applicability. See section 7-625 of the District of Columbia Code.

§ 66. Improper appropriation of streets

The Secretary of the Interior is directed to prevent the improper appropriation or occupation of any of the public streets, avenues, squares, or reservations in the city of Washington, belonging to the United States, and to reclaim the same if unlawfully appropriated; and particularly to prevent the erection of any permanent building upon any property reserved to or for the use of the United States, unless plainly authorized by act of Congress, and to report to Congress at the commencement of each session his proceedings in the premises, together with a full statement of all such property, and how, and by what authority, the same is occupied or claimed. Nothing herein contained shall be construed to interfere with the temporary and proper occupation of any portion of such property, by lawful authority, for the legitimate purposes of the United States.

(R.S. §1818.)

CODIFICATION

R.S. §1818 derived from Res. June 30, 1864, No. 56, 13 Stat. 412.

Section is also set out in D.C. Code, §7-1409.

CROSS REFERENCES

Ejection of trespassers from public grounds, see section 19 of this title.

§ 67. Omitted

CODIFICATION

Section, acts Mar. 3, 1891, ch. 540, 26 Stat. 868; July 1, 1898, ch. 543, §3, 30 Stat. 570; June 21, 1906, ch. 3506, 34 Stat. 385; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983, which related to permits for extensions of buildings beyond the building line, was omitted as not having general applicability. See section 5-204 of the District of Columbia Code.

§ 68. Buildings on reservations, parks, or public grounds

On and after August 24, 1912 there shall not be erected on any reservation, park, or public grounds, of the United States within the District of Columbia, any building or structure without express authority of Congress.

(Aug. 24, 1912, ch. 355, 37 Stat. 444.)

CODIFICATION

Section is also set out in D.C. Code, §8-128.

§§ 69, 70. Omitted

CODIFICATION

Section 69, act Aug. 5, 1882, ch. 389, 22 Stat. 243, which related to police powers of park watchmen in District of Columbia, was omitted as not having general applicability. See section 4-201 of the District of Columbia Code.

Section 70, act Apr. 28, 1902, ch. 594, 32 Stat. 152, which related to free medical attendance for park

watchmen in the District of Columbia, was omitted as not having general applicability. See section 4-204 of the District of Columbia Code.

§ 71. Physical development of National Capital**(a) General purposes; findings**

It is the purpose of sections 71 to 71i, 72, 73, and 74 of this title to secure comprehensive planning for the physical development of the National Capital and its environs; to provide for the participation of the appropriate planning agencies of the environs in such planning; and to establish the agency and procedures requisite to the administration of the functions of the Federal and District of Columbia governments related to such planning. The Congress finds that the location of the seat of government in the District of Columbia has brought about the development of a metropolitan region extending well into adjoining territory in Maryland and Virginia; that effective comprehensive planning is necessary on a regional basis and of continuing importance to the Federal establishment; that the distribution of Federal installations throughout the region has been and will continue to be a major influence in determining the extent and character of development; that there is needed a central planning agency for the National Capital region to coordinate certain developmental activities of the many different agencies of the Federal and District Governments so that such activities may conform with general objectives; that there is an increasing mutuality of interest and responsibility between the various levels of government that calls for coordinate and unified policies in planning both Federal and local development in the interest of order and economy; that there are developmental problems of an interstate character, the planning of which requires collaboration between Federal, State, and local governments in the interest of equity and constructive action; and that the instrumentalities and procedures herein provided will aid in providing the Congress from time to time with information and advice requisite to legislation. The general objective of said sections is to enable appropriate agencies to plan for the development of the Federal establishment at the seat of government in a manner consistent with the nature and function of the National Capital and with due regard for the rights and prerogatives of the adjoining States and local governments to exercise control appropriate to their functions, and in a manner which will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development.

(b) Definitions

As used in sections 71 to 71i, 72, 73, and 74 of this title, (1) "region" or "National Capital region" means the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties; (2) "environs" means the territory sur-

rounding the District of Columbia included within the National Capital region; (3) “National Capital” means the District of Columbia and territory owned by the United States within the environs; and (4) “planning agency” means any city, county, bi-county, part-county, or regional planning agency authorized under State and local laws to make and adopt comprehensive plans whether or not its jurisdiction is exclusive or concurrent.

(June 6, 1924, ch. 270, § 1, 43 Stat. 463; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Apr. 30, 1926, ch. 198, 44 Stat. 374; May 24, 1928, ch. 726, 45 Stat. 726; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; July 19, 1952, ch. 949, § 1, 66 Stat. 781.)

CODIFICATION

Section is also set out in D.C. Code, § 1-2001.

AMENDMENTS

1952—Act July 19, 1952, restated the general purposes of sections 71 to 72, 73, and 74 of this title, and substituted entirely new provisions for former provisions relating to creation and duties of the “National Capital Park and Planning Commission” which have been superseded. See sections 71a to 71i of this title.

1928—Act May 24, 1928, provided that the Director of Public Buildings and Public Parks of the National Capital should be the executive and disbursing officer of said National Capital Park and Planning Commission.

1926—Act Apr. 30, 1926, amended section generally to establish and provide for a National Capital Park and Planning Commission, and abolished the Highway Commission which had been established by section 2 of act Mar. 2, 1893, ch. 197, 27 Stat. 533.

1925—Act Feb. 26, 1925, changed the name of the officer in charge of public buildings and grounds to the Director of Public Buildings and Public Parks of the National Capital.

SHORT TITLE OF 1952 AMENDMENT

Section 2 of act July 19, 1952, provided in part that: “Sections 1 and 2 of this Act [amending this section] may be cited as the ‘National Capital Planning Act of 1952’.”

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Ex. Ord. No. 6166, set out as a note under section 901 of Title 5, abolished Office of Public Buildings and Public Parks of National Capital and transferred functions thereof to Office of National Parks, Buildings and Reservations of Department of the Interior, and act Mar. 2, 1934, changed name of latter office to National Park Service.

Function of disbursement of moneys of United States by any agency except War Department, Navy Department, and Panama Canal, transferred to Treasury Department and, together with Office of Disbursing Clerk of that Department, consolidated in a Division of Disbursements, by section 4 of Ex. Ord. No. 6166 and Ex. Ord. No. 6728, May 29, 1934. Division of Disbursements consolidated in Fiscal Service by Reorg. Plan No. III of 1940, § 1(a)(3), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5. See section 306 of Title 31, Money and Finance.

STUDY COMMISSION TO INVESTIGATE AND STUDY SITES AND PLANS FOR FACILITIES AND SERVICES FOR VISITORS AND STUDENTS COMING TO WASHINGTON, D.C.

Pub. L. 89-790, Nov. 7, 1966, 80 Stat. 1424, created a Study Commission to make a full and complete inves-

tigation and study of sites and plans to provide facilities and services for visitors and students coming to the Nation’s Capital. The Commission was directed to report the results of its study and investigation to Congress not later than Sept. 15, 1967.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71h, 71i, 72, 72a, 74 of this title.

§ 71a. Federal and District planning agencies in National Capital

(a)(1) National Capital Planning Commission; creation; central Federal agency; functions; excepted functions

The National Capital Planning Commission (hereinafter referred to as the “Commission”) is created as the central Federal planning agency for the Federal Government in the National Capital, and to preserve the important historical and natural features thereof, except with respect to the United States Capitol buildings and grounds as defined in sections 193a and 193m of this title, and to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol.

(2) Mayor of District of Columbia; central local agency; functions; excepted functions; comprehensive plan for District; procedures for citizen participation and consultations with non-Federal agencies

The Mayor of the District of Columbia (hereinafter referred to as the “Mayor”) shall be the central planning agency for the government of the District of Columbia (hereinafter referred to as the “District”) in the National Capital. The Mayor shall be responsible for coordinating the planning activities of the District government and for preparing and implementing the District elements of the comprehensive plan for the National Capital, which may include land use elements, urban renewal and redevelopment elements, a multiyear program of public works for the District, and physical, social, economic, transportation, and population elements. The Mayor’s planning responsibility shall not extend to Federal or international projects and developments in the District, as determined by the Commission, or to the United States Capitol buildings and grounds as defined in sections 193a and 193m of this title, or to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibility under this section, the Mayor shall establish procedures for citizen participation in the planning process, and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a comprehensive plan (including amendments thereto) affecting or relating to the District.

(3) Comprehensive plan for District; functions of Mayor and Council respecting impact on Federal Establishment

The Mayor shall submit each District element of the comprehensive plan and any amendment thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to imple-

mentation, the Council shall submit each such element or amendment to the Commission for review and comment with regard to the impact of such element or amendment on the interests or functions of the Federal Establishment in the National Capital.

(4) Certifications; incorporation and implementation; Council's action; joint publication of Federal activities elements and District elements; time limitation extension, authority of Council; joint establishment of procedures for consultations throughout planning process

(A) The Commission shall, within sixty days after receipt of such a District element of the comprehensive plan, or amendment thereto, from the Council, certify to the Council whether such element or amendment has a negative impact on the interests or functions of the Federal Establishment in the National Capital. If within such sixty days the Commission takes no action with respect to such element or amendment, such element or amendment shall be deemed to have no such negative impact, and such element or amendment shall be incorporated into the comprehensive plan for the National Capital and shall be implemented.

(B) If the Commission finds, within such sixty days, such negative impact, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission's findings and recommendations, the Council may—

(i) reject such findings and recommendations and resubmit such element or amendment, in a modified form, to the Commission for reconsideration; or

(ii) accept such findings and recommendations and modify such element or amendment accordingly.

If the Council accepts such findings and recommendations and modifies such element or amendment under clause (ii), the Council shall submit such element or amendment to the Commission for it to determine whether such modification has been made in accordance with the Commission's findings and recommendations. If, within thirty days after receipt of the modified element or amendment, the Commission takes no action with respect to such element or amendment, it shall be deemed to have been modified in accordance with such findings or recommendations, and shall be incorporated into the comprehensive plan for the National Capital and shall be implemented. If within such thirty days, the Commission again determines such element or amendment to have a negative impact on the functions or interests of the Federal Establishment in the National Capital such element or amendment shall not be implemented.

(C) If the Council rejects the findings and recommendations of the Commission and resubmits a modified element or amendment to it under clause (i), the Commission shall, within sixty days after receipt of such modified element or amendment from the Council, determine whether such modified element or amendment has a negative impact on the interests or functions of the Federal Establishment within the National

Capital. If the Commission finds such negative impact it shall certify its findings (in sufficient detail that the Council can understand the basis of the objection of the Commission) and recommendations to the Council, and such element or amendment shall not be implemented. If the Commission takes no action with respect to such modified element or amendment within such sixty days, such modified element or amendment shall be deemed to have no such negative impact and shall be incorporated into the comprehensive plan and it shall be implemented. Any element or amendment which the Commission has determined to have a negative impact on the Federal Establishment in the National Capital, and which is submitted again in a modified form not less than one year from the day it was last rejected by the Commission shall be deemed to be a new element or amendment for purposes of the review procedure specified in this section.

(D) The Commission and the Mayor shall jointly publish, from time to time as appropriate, a comprehensive plan for the National Capital, consisting of the elements of the comprehensive plan for the Federal activities in the National Capital developed by the Commission, and the District elements developed by the Mayor and the Council in accordance with the provisions of this section.

(E) The Council may grant, upon request made to it by the Commission, an extension of any time limitation contained in this section.

(F) The Commission and the Mayor shall jointly establish procedures for appropriate meaningful continuing consultation throughout the planning process for the National Capital.

(b) National Capital Planning Commission; official members; citizen members; qualifications, terms of office, vacancies, compensation

The National Capital Planning Commission shall be composed of—

(1) ex officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Mayor, the Chairman of the Council of the District of Columbia, and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition,

(2) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Mayor. The citizen members appointed by the Mayor shall be bona fide residents of the District of Columbia and of the three appointed by the President at least one shall be a bona fide resident of Virginia and at least one shall be a bona fide resident of Maryland. The terms of office of the members appointed by the President shall be for six years, except that of the members first appointed, the President shall designate one to serve two years and one to serve four years. Members appointed by the Mayor shall serve for four years. The members first appointed under this section shall assume their office on

January 2, 1975. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of \$100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.

(c) Chairman; officers; Director and other personnel; employment of city planners, architects, etc.; compensation

The President shall designate the Chairman of the Commission and the Commission may elect from among its members such other officers as it deems desirable. The Commission is authorized to employ a Director, an executive officer, and such other technical and administrative personnel as it may deem necessary. Further, without regard to section 5 of title 41, the civil service and classification laws, or section 3109 of title 5, the Commission may employ, by contract or otherwise, the temporary or intermittent (not in excess of one year) services of city planners, architects, engineers, appraisers, and other experts or organizations thereof, as may be necessary to carry out its functions, and in any such case the rate of compensation shall be fixed by the Commission so as not to exceed the rate usual for similar services.

(d) Advisory and coordinating committees; participation by representatives of planning and developmental agencies

The Commission may establish, with the consent of each agency concerned as to its representation, such advisory and coordinating committees composed of representatives of such agencies of the Federal and District of Columbia Governments as may be necessary or helpful to obtain the maximum amount of cooperation and correlation of effort among the various agencies of such Governments, in order that the National Capital may be developed in accordance with the comprehensive plan. As it may deem appropriate, the Commission may invite representatives of the planning and developmental agencies of the environs to participate in the work of such committees.

(e) General scope of functions

As hereinafter more specifically described in sections 71c to 71g of this title, it shall be among the principal duties of the Commission to (1) prepare, adopt, and amend a comprehensive plan for the Federal activities in the National Capital and make related recommendations to the appropriate developmental agencies; (2) serve as the central planning agency for the Federal Government within the National Capital region, and in such capacity to review their development programs in order to advise as to consistency with the comprehensive plan; and (3) be the representative of the Federal and District Governments for collaboration with the Regional Planning Council, as hereinafter provided.

(June 6, 1924, ch. 270, § 2, as added July 19, 1952, ch. 949, § 1, 66 Stat. 782; amended Pub. L. 87-683, Sept. 25, 1962, 76 Stat. 575; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951;

Pub. L. 93-198, title II, § 203(a), (b), title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 779, 782, 785, 789.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (c), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The classification laws, referred to in subsec. (c), are classified generally to chapter 51 (§5101 et seq.) and to subchapter III (§5331 et seq.) of chapter 53 of Title 5.

Section 71e of this title, included within the reference in subsec. (e) to sections 71c to 71g of this title, was repealed by Pub. L. 93-198, title II, § 203(e), Dec. 24, 1973, 87 Stat. 782.

CODIFICATION

In subsec. (c), “section 3109 of title 5” substituted for “section 15 of Act of August 2, 1946 (5 U.S.C. 55a)” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section is also set out in D.C. Code, § 1-2002.

PRIOR PROVISIONS

Provisions relating to the general powers and duties of the National Capital Park and Planning Commission, to which the National Capital Planning Commission succeeded under the provisions of section 71h of this title, were contained in section 71 of this title prior to amendment by act July 19, 1952.

AMENDMENTS

1973—Subsec. (a). Pub. L. 93-198, § 203(a), incorporated existing subsec. (a) text in provisions designated as par. (1), made the Commission the central Federal planning agency only for the Federal Government in the National Capital, except certain areas from the Commission's jurisdiction, and added pars. (2) to (4).

Subsec. (b)(1). Pub. L. 93-198, § 203(a), substituted as members ex officio: Secretary of the Interior, Secretary of Defense, Administrator of General Services Administration, Commissioner, Chairman of District of Columbia Council for former such members: Chief of Engineers of Army, Engineer Commissioner of District of Columbia, Director of National Park Service, Commissioner of Public Buildings, Federal Highway Administrator, and Administrator of National Capital Transportation Agency, and substituted provision for designation of alternates for service in stead of any official for former such provision applicable only to committees on the District of Columbia of the Senate and the House of Representatives.

Subsec. (b)(2). Pub. L. 93-198, § 203(a), substituted provisions for: citizen members with experience in planning for former provision for such membership from eminent citizens well qualified and experienced in planning; appointment by President of three members, including one each for Virginia and Maryland, for six year terms, including initial appointments for two and four year terms, and by Commissioner of two members from the District for four year terms for former provision for such appointment by President, including two members from the District or the environs, including one appointee from three nominees of Commissioner of the District, for six year terms; compensation of \$100 per each day of actual service and necessary expenses for former provision for a per diem allowance and travel costs; provided for assumption of office by first appointees on Jan. 2, 1975; and deleted provisions respecting: waiver of professional requirements of District appointees of demonstrated capacity for leadership in planning and development of the District, service of unexpired terms of appointive members of National Capital Park and Planning Commission as members of National Capital Planning Commission, and expiration of initial appointments on Apr. 30, 1953, 1954, 1955, 1956, and 1957, and every six years after such appointments.

Subsec. (e)(1). Pub. L. 93-198, § 203(b)(1), substituted “Federal activities in the National Capital” for “National Capital”.

Subsec. (e)(2). Pub. L. 93-198, §203(b)(2), substituted “Government” for “and District Governments.”.

1962—Subsec. (b)(1). Pub. L. 87-683 inserted “the Administrator of the National Capital Transportation Agency,” before “the chairmen of the committees”.

TRANSFER OF FUNCTIONS

Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, “Mayor” substituted in text for “commissioner”.

“Council of the District of Columbia” substituted in text for “District of Columbia Council” pursuant to section 401 of Pub. L. 93-198. District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, classified to section 1-211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198, classified to section 1-221 of the District of Columbia Code.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the Commissioner of the District of Columbia pursuant to section 401 of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, which transferred the functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the Appendix to Title 5, Government Organization and Employees.

ABOLITION OF COMMITTEES ON THE DISTRICT OF COLUMBIA

Committee on the District of Columbia of Senate abolished and its jurisdiction given to Committee on Governmental Affairs of Senate, effective Feb. 11, 1977. See Rules XXV of Standing Rules of Senate, as amended by Senate Resolution 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

Committee on the District of Columbia of House of Representatives abolished by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. References to Committee on the District of Columbia treated as referring to Committee on Government Reform and Oversight of House of Representatives, see section 1(b) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

ABOLITION OF COUNCIL

National Capital Regional Planning Council abolished by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year

period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

GEOGRAPHIC INFORMATION SYSTEM FEES

Pub. L. 105-83, title II, Nov. 14, 1997, 111 Stat. 1589, provided in part: “That beginning in fiscal year 1998 and thereafter, the Commission is authorized to charge fees to cover the full costs of Geographic Information System products and services supplied by the Commission, and such fees shall be credited to this account as an offsetting collection, to remain available until expended.”

DEFINITIONS

The definitions in section 1-202 of the District of Columbia Code apply to this section as amended by Pub. L. 93-198.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71i, 72, 72a, 136 of this title.

§ 71b. Omitted

CODIFICATION

Section, act June 6, 1924, ch. 270, §3, as added July 19, 1952, ch. 949, §1, 66 Stat. 783, which established the National Capital Regional Planning Council, and set forth the composition and powers and functions of the Council, was omitted in view of the abolition of the Council by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note below.

REORGANIZATION PLAN NO. 5 OF 1966

Eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 29, 1966, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended [see 5 U.S.C. 901 et. seq.].

NATIONAL CAPITAL REGIONAL PLANNING COUNCIL

SECTION 1. ABOLITION

The National Capital Regional Planning Council (66 Stat. 783), together with all of its functions, is hereby abolished.

SEC. 2. LIQUIDATION

The National Capital Planning Commission shall make such provisions as it shall deem necessary respecting the winding up of the outstanding affairs of the National Capital Regional Planning Council.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I am transmitting Reorganization Plan No. 5 of 1966, prepared in accordance with the Reorganization Act of 1949, as amended.

The time has come to recognize the readiness of local governments in the Washington area to undertake a role which is properly and rightfully theirs. To that end, I am submitting a reorganization plan to abolish the National Capital Regional Planning Council.

Comprehensive regional planning is vital to the orderly development of our metropolitan areas. Nowhere is it more important than in the National Capital region.

To be most effective, regional planning must be a responsibility of the area's State and local governments

acting together to solve mutual problems of growth and change. It should not be a Federal function, although the Federal Government should support and advance it.

The need for cooperative planning was recognized years ago in the National Capital region. The establishment of the National Capital Regional Planning Council in 1952 to prepare a comprehensive development plan was a major step in meeting that need.

However, the Council was designed for conditions which no longer exist. It was established by Federal law as a Federal agency financed by Federal funds because the various local jurisdictions then felt they were not in a position to provide the financing necessary for areawide comprehensive planning.

The situation that existed in 1952 has been changed by two major developments—

The founding of the Metropolitan Washington Council of Governments; and

The inauguration of a nationwide urban planning assistance program, commonly referred to as the "701 Program."

The Metropolitan Washington Council of Governments, established in 1957, is a voluntary association of elected officials of local governments in the area. It has a competent professional staff and has done constructive work on areawide development matters. It had a budget of nearly a quarter of a million dollars for fiscal year 1965, mostly derived from local government contributions, and has developed to the point where it can fully carry out the State and local aspects of regional planning.

The urban planning assistance program provides for Federal financing of two-thirds of the cost of metropolitan planning. The National Capital Regional Planning Council, as a Federal agency, is not eligible for assistance under this program. The Metropolitan Washington Council of Governments, however, became eligible for that assistance under the terms of the Housing and Urban Development Act of 1965. Accordingly, the elected local governments of the National Capital region have declared their intention of undertaking the responsibility for areawide comprehensive planning through the Council of Governments.

The reorganization plan will not alter the basic responsibilities of the National Capital Planning Commission. That Commission will continue to represent the Federal interest in the planning and development of the region. Indeed, its work should increase as comprehensive regional planning by the Council of Governments is accelerated. In accord with the reorganization plan, the Commission will work closely with the Council of Governments in regional planning. The Commission will also deal directly with the suburban jurisdictions and assume the liaison functions now exercised by the National Capital Regional Planning Council.

The reorganization plan will improve existing organizational arrangements of and promote more effective and efficient planning for the National Capital region.

It will also result in long-range savings to the Federal Government. The regional planning effort of the Council of Governments is supported in part by local contributions. The same work done by the National Capital Regional Planning Council has been supported totally with Federal funds. The plan will eliminate this overlapping effort.

Annual savings of at least \$25,000 should result from the reorganization plan.

The functions to be abolished by the reorganization plan are provided for in sections 2(e), 3, 4, 5(d), and 6(b) of the act approved June 6, 1924, entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital" (43 Stat. 463), as amended (66 Stat. 783, 40 U.S.C. 71a(e), 71b, 71c, 71d(d), and 71E(b)).

I have found, after investigation, that each reorganization included in the accompanying reorganization plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended.

I recommend that the Congress allow the reorganization plan to become effective.

LYNDON B. JOHNSON.

THE WHITE HOUSE, June 29, 1966.

§ 71c. Comprehensive plan for the National Capital

(a) Preparation and adoption by Commission

The Commission is hereby charged with the duty of preparing and adopting a comprehensive, consistent, and coordinated plan for the National Capital, which plan shall include the Commission's recommendations or proposals for Federal developments or projects in the environs, and those District elements, or amendments thereto, of the comprehensive plan adopted by the Council and with respect to which the Commission has not determined a negative impact to exist, which elements or amendments shall be incorporated into such comprehensive plan without change. The Commission shall collaborate with the National Capital Regional Planning Council in the development of those elements of the plan for the National Capital which should be incorporated in the regional plan provided for in section 71b of this title. While consistency between the respective proposals of the Commission and the National Capital Regional Planning Council shall be sought, lack of action or agreement by the National Capital Regional Planning Council shall not prevent the Commission from adopting any part of its plan or any recommendation or proposal for Federal developments or projects in the environs. The Commission may include in its plan any portion of any plan adopted by the National Capital Regional Planning Council or any planning agency in the environs and from time to time make recommendations of collateral interest to the National Capital Regional Planning Council or to the aforesaid agencies.

(b), (c) Repealed. Pub. L. 93-198, title II, § 203(c)(3), Dec. 24, 1973, 87 Stat. 782

(d) Progressive adoption, amendment, or review

The Commission may, as the work of preparing the comprehensive plan progresses, adopt any element or a part or parts thereof and from time to time shall review and may amend or extend the plan, in order that its recommendations may be kept up to date.

(e) Consultation with interested agencies; hearings; citizen advisory councils

Prior to the final adoption of the comprehensive plan or any element thereof, or any subsequent revision, the Commission shall present such plan, element, or revision to the appropriate Federal or District of Columbia authorities for comment and recommendations. Presentation of proposed revisions may at the Commission's discretion be made annually in a consolidated form. The said recommendations by Federal and District of Columbia authorities shall not be binding on the Commission, but it shall give careful consideration to such views and recommendations as are submitted prior to final adoption. The Commission may, in addition and at its discretion, periodically provide opportunity by public hearings, meetings, or con-

ferences, exhibitions and publication of its plans, for review and comments by nongovernmental agencies or groups, and, in consultation with the Council of the District of Columbia, encourage the formation of one or more citizen advisory councils.

In carrying out its planning functions with respect to Federal developments or projects in the environs, the Commission may act in conjunction and cooperation and enter into agreements with any State or local authority or planning agency, as the Commission may deem necessary, to effectuate the adoption of any plan or proposal and secure its realization.

(June 6, 1924, ch. 270, § 4, as added July 19, 1952, ch. 949, § 1, 66 Stat. 785; amended 1967 Reorg. Plan No. 3, § 402(28), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title II § 203(c), title IV, § 401, Dec. 24, 1973, 87 Stat. 782, 785.)

REFERENCES IN TEXT

Section 71b of this title, referred to in subsec. (a), was omitted from the Code in view of the abolition of the National Capital Regional Planning Council by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

CODIFICATION

The words "National Capital Regional Planning" were added before references to "Council" where necessary to avoid possible confusion between references to such Council and the District of Columbia Council.

Section is also set out in D.C. Code, § 1-2003.

PRIOR PROVISIONS

Provisions similar to those concerning preparation and maintenance of a comprehensive plan for the National Capital and its environs were contained in section 71 of this title prior to amendment by act July 19, 1952.

AMENDMENTS

1973—Subsec. (a), first sentence. Pub. L. 93-198, § 203(c)(1), inserted introductory "hereby" and substituted "Federal developments or projects in the environs, and those District elements, or amendments thereto, of the comprehensive plan adopted by the Council and with respect to which the Commission has not determined a negative impact to exist, which elements or amendments shall be incorporated into such comprehensive plan without charge" for "Federal and District developments or projects in the environs".

Subsec. (a), third sentence. Pub. L. 93-198, § 203(c)(2), struck out "within the District of Columbia" after "part of its plan" and "or District" from phrase "Federal or District developments or projects".

Subsecs. (b), (c). Pub. L. 93-198, § 203(c)(3), repealed provisions of subsec. (b) relating to contents of comprehensive plan and of subsec. (c) relating to generalized elements of comprehensive plan. See comprehensive plan provisions of section 71a(a) of this title.

TRANSFER OF FUNCTIONS

"Council of the District of Columbia" substituted in text for "District of Columbia Council" pursuant to section 401 of Pub. L. 93-198. District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1-211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198, classified to section 1-221 of the District of Columbia Code.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the

District of Columbia Council pursuant to section 402(28) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to consultations concerning the formation of one or more citizens advisory councils under subsec. (e) of this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions abolishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

ABOLITION OF COUNCIL

National Capital Regional Planning Council, referred to in subsec. (a), abolished by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

DEFINITIONS

The definitions in section 1-202 of the District of Columbia Code apply to this section as amended by Pub. L. 93-198.

EX. ORD. NO. 11815. DELEGATION OF PRESIDENTIAL FUNCTION OF ESTABLISHING METES AND BOUNDS OF NATIONAL CAPITAL SERVICE AREA

Ex. Ord. No. 11815, Oct. 23, 1974, 39 F.R. 37963, provided:

By virtue of the authority vested in me by section 739(g) of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 828; Public Law 93-198), and as President of the United States, the Chairman of the National Capital Planning Commission is authorized and directed to exercise all authority and to carry out all duties vested in the President by section 739(g) of the above cited law with respect to establishing the metes and bounds of the National Capital Service Area. Prior to establishing said metes and bounds, the Chairman shall consult with the appropriate representative of the District of Columbia Government.

GERALD R. FORD.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71a, 71i, 72, 72a, 136 of this title.

§ 71d. Proposed Federal and District developments and projects

(a) Consultations between agencies and Commission; procedure

In order to insure the comprehensive planning and orderly development of the National Capital, each Federal and District of Columbia agency prior to the preparation of construction plans originated by such agency for proposed developments and projects or to commitments for the acquisition of land, to be paid for in whole or in part from Federal or District funds, shall advise and consult with the Commission in the preparation by the agency of plans and programs in preliminary and successive stages which affect the plan and development of the National Capital: *Provided, however,* That the Commission shall determine in advance the type or kinds of plans, developments, projects, improvements, or acquisitions which do not need to be submitted for review by the Commission as to conformity with its plans. After receipt of such plans, maps, and data, it shall be the duty of the Commission to make promptly a preliminary report and recommendations to the agency or agencies concerned. If, after having received

and considered the report and recommendations of the Commission the agency does not concur, it shall advise the Commission with its reasons therefor, and the Commission shall submit a final report. After such consultation and suitable consideration of the views of the Commission the agency may proceed to take action in accordance with its legal responsibilities and authority.

(b) Exceptions to consultation procedure

The procedure prescribed in subsection (a) of this section shall not apply to projects within the Capitol grounds or to structures erected by the Department of Defense during wartime or national emergency within existing military, naval, or Air Force reservations, except that the appropriate defense agency shall consult with the Commission as to any developments which materially affect traffic or require coordinated planning of the surrounding area.

(c) Approval of District Government buildings within central area; time for transmittal of approval or disapproval of such buildings

The provisions of section 16 of the Act approved June 20, 1938 [D.C. Code, § 5-432], are extended to include public buildings erected by any agency of the Government of the District of Columbia within the boundaries of the central area of the District, as such central area may be defined and from time to time redefined by concurrent action of the Commission and the Council, except that the Commission shall transmit its approval or disapproval respecting any such building within thirty days after the day it was submitted to the Commission.

(d) Additional procedure for consultation on developments and projects within environs

Within the environs, general plans showing the location, character, extent and intensity of use for proposed Federal and District developments and projects involving the acquisition of land, shall be submitted to the Commission for report and recommendations before final commitment to said acquisition, unless such matters shall have been specifically approved by an Act of Congress. Before acting on any general plan, the Commission shall advise and consult with the National Capital Regional Planning Council and the appropriate planning agency having jurisdiction over the affected part of the environs. When, in the judgment of the Commission, proposed developments or projects submitted to the Commission under subsection (a) of this section involve a major change in the character or intensity of an existing use in the environs, the Commission shall likewise advise and consult with the National Capital Regional Planning Council and the aforesaid planning agency. The report and recommendations required under this subsection shall be submitted within sixty days and shall be accompanied by any reports or recommendations that may have been prepared by the National Capital Regional Planning Council or the aforesaid planning agency.

(e) Intent of section; interchange of plans, data, etc.

It is the intent of this section to obtain cooperation and correlation of effort between the

various agencies of the Federal Government which are responsible for public developments and projects, including the acquisition of land. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal activities in the National Capital region. To aid the Commission in carrying out this function, plans, data, and records, or copies thereof, necessary to the Commission shall be furnished upon its request by such Federal and District governmental agencies; and the Commission shall likewise furnish related plans, data, and records, or copies thereof, to Federal and District of Columbia governmental agencies upon request.

(June 6, 1924, ch. 270, § 5, as added July 19, 1952, ch. 949, § 1, 66 Stat. 787; amended 1967 Reorg. Plan No. 3, § 402(29), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title II, § 203(d), Dec. 24, 1973, 87 Stat. 782.)

CODIFICATION

The words "National Capital Regional Planning" were added before references to "Council" where necessary to avoid possible confusion between references to such Council and the District of Columbia Council.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(29) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to the definition and redefinition of the central area of the District of Columbia to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

Section is also set out in D.C. Code, § 1-2004.

PRIOR PROVISIONS

Similar provisions relating to the preparation and maintenance of a comprehensive plan for the National Capital and its environs, and the cooperation between the former National Capital Park and Planning Commission and agencies of the Federal and District Governments were contained in section 71 of this title prior to amendment by act July 19, 1952.

AMENDMENTS

1973—Subsec. (c). Pub. L. 93-198, § 203(d)(1), provided for Commission transmittal of its approval or disapproval respecting any building within thirty days after the day it was submitted to the Commission.

Subsec. (e). Pub. L. 93-198, § 203(d)(2), struck out "of the foregoing provisions" after "intent" and substituted "Federal Government" for "Federal and District Governments" in first sentence and substituted "Federal activities" for "Federal and District Governments" in second sentence.

ABOLITION OF COUNCIL

National Capital Regional Planning Council, referred to in subsec. (b), abolished by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

DEFINITIONS

The definitions in section 1-202 of the District of Columbia Code apply to this section as amended by Pub. L. 93-198.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71a, 71i, 72, 72a, 136, 616 of this title; title 49 section 49111.

§ 71e. Repealed. Pub. L. 93-198, title II, § 203(e), Dec. 24, 1973, 87 Stat. 782

Section, act June 6, 1924, ch. 270, § 6, as added July 19, 1952, ch. 949, § 1, 66 Stat. 789, provided for inclusion in comprehensive plan of thoroughfare and mass transportation plans, providing in former subsec. (a) for preparation and adoption of plans by Commission and submission, approval, and revision and in former subsec. (b) for consultations prior to adoption of a thoroughfare plan, recommendations, and procedure by Bureau of Public Roads.

§ 71f. Capital improvements

(a) Six-year program of public works; recommendations and annual review; submission of advance programs

The Commission shall recommend a six-year program of public works projects for the Federal Government which it shall review annually with the agencies concerned. To this end, each Federal agency shall submit to the Commission in the first quarter of each fiscal year a copy of its advance program of capital improvements within the National Capital and its environs.

(b) Submission of multiyear capital improvement plan

The Mayor shall submit to the Commission, by February 1 of each year, a copy of the multiyear capital improvements plan for the District developed by him under section 444 of the District of Columbia Home Rule Act [D.C. Code, § 47-303]. The Commission shall have thirty days within which to comment upon such plan but shall have no authority to change or disapprove of such plan.

(June 6, 1924, ch. 270, § 7, as added July 19, 1952, ch. 949, § 1, 66 Stat. 789; amended 1967 Reorg. Plan No. 3, § 402(32), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title II, § 203(f), title IV, § 421, Dec. 24, 1973, 87 Stat. 782, 789; Pub. L. 105-33, title XI, § 11717(b), Aug. 5, 1997, 111 Stat. 786.)

CODIFICATION

Section is also set out in D.C. Code, § 1-2005.

PRIOR PROVISIONS

Similar provisions relating to preparation and maintenance of a comprehensive plan for the National Capital and its environs, including public works, and for cooperation between the former National Capital Park and Planning Commission and Federal and District Governments were contained in section 71 of this title prior to amendment by act July 19, 1952.

AMENDMENTS

1997—Subsec. (b). Pub. L. 105-33 substituted “District of Columbia Home Rule Act” for “District of Columbia Self-Government and Governmental Reorganization Act”.

1973—Subsec. (a). Pub. L. 93-198 designated existing provisions as subsec. (a), inserted “for the Federal Government” after “public works projects”, and struck out “and the District of Columbia Council” after “Federal agency”.

Subsec. (b). Pub. L. 93-198 added subsec. (b).

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-33 effective Oct. 1, 1997, except as otherwise provided in title XI of Pub. L. 105-33, see section 11721 of Pub. L. 105-33, set out as a note under section 4246 of Title 18, Crimes and Criminal Procedure.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, “Mayor” substituted in subsec. (b) for “commissioner”.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(32) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to the submission of a copy of the District’s advance program of capital improvements to the National Capital Planning Commission, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

DEFINITIONS

The definitions in section 1-202 of the District of Columbia Code apply to this section as amended by Pub. L. 93-198.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71a, 71i, 72, 72a, 136 of this title.

§ 71g. Zoning regulations and maps, and subdivision of lands

(a) Amendments of zoning regulations and maps

The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5-417), on proposed amendments of the zoning regulations and maps as to the relation, conformity, or consistency of such amendments with the comprehensive plan for the National Capital. The Commission may also submit to the said Zoning Commission proposed amendments or general revisions to the zoning regulations or the zoning map for said District.

(b) Further reports on proposed amendments

When requested by a properly authorized representative of the Commission, the Zoning Commission may at its discretion recess for a reasonable period of time any public hearing held by it to consider a proposed amendment to the zoning regulations or map, in order that the Commission or its representative may have an opportunity to present to the Zoning Commission a further report on the proposed amendment.

(c) Performance of functions by Zoning Committee of National Capital Planning Commission

The functions vested in the Commission pursuant to this section may, to such extent as the Commission shall determine, and subject to confirmation by the Commission when requested by the Zoning Commission of the District of Columbia, be performed by a committee of the Commission which shall be known as the Zoning

Committee of the National Capital Planning Commission and shall consist of not less than three members of the Commission designated by the Commission for the purpose. The number of members serving on the Zoning Committee may be varied from time to time.

(d) Recommendations as to platting and subdividing lands; procedure

Any proposed change in or addition to the regulations or general orders regulating the platting and subdividing of lands and grounds in the District of Columbia shall first be submitted to the Commission by the Council of the District of Columbia for report and recommendation prior to adoption by such Council. Should the Council not concur in the recommendations of the Commission, it shall so advise the Commission with its reasons therefor and the Commission shall submit a final report within thirty days. After consideration of this final report, the Council may proceed to take action in accordance with its legal responsibilities and authority. It shall be the duty of the Commission to submit any proposed changes in or amendments to the general orders that the Commission considers appropriate and the Council shall treat the amendments proposed in the same manner as other proposed amendments.

(June 6, 1924, ch. 270, § 8, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790; amended 1967 Reorg. Plan No. 3, § 402(21), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title II, § 203(g), title IV, § 401, Dec. 24, 1973, 87 Stat. 783, 785.)

CODIFICATION

Section is also set out in D.C. Code, § 1-2006.

PRIOR PROVISIONS

Similar provisions relating to the preparation and maintenance of a comprehensive plan for the National Capital and its environs, including zoning regulations, plats, and subdivisions, and for cooperation between the former National Capital Park and Planning Commission and Federal and District Governments were contained in section 71 of this title prior to amendment by act July 19, 1952.

AMENDMENTS

1973—Subsec. (a). Pub. L. 93-198 provided for the making of a report and recommendations as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5-417), including consistency of proposed amendments of zoning regulations and maps with the comprehensive plan, substituting “comprehensive plan for the National Capital” for “comprehensive plan of the District of Columbia” and deleted provision for Commission submission to the Zoning Commission of proposed amendments or general revisions to the zoning regulations or the zoning map for the District.

TRANSFER OF FUNCTIONS

“Council of the District of Columbia” substituted in subsec. (d) for “District of Columbia Council” pursuant to section 401 of Pub. L. 93-198. District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1-211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198, classified to section 1-221 of the District of Columbia Code.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the

District of Columbia Council to reflect D.C. Code § 1-613 and section 402(21) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to the making and publishing of general orders regulating the platting and subdividing of lands and grounds to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71a, 71i, 72, 72a, 136 of this title.

§ 71h. Transfer of functions to Commission

All other functions, powers, and duties of the National Capital Park and Planning Commission, including those formerly vested in the Highway Commission established by the Act of March 2, 1893 (27 Stat. 532) [D.C. Code, § 7-107 et seq.], and those formerly vested in the National Capital Park Commission by the Act of June 6, 1924 (43 Stat. 463) together with the personnel, records, property, and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, including trust funds, of the National Capital Park and Planning Commission, are transferred to the Commission.

(June 6, 1924, ch. 270, § 9, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790.)

REFERENCES IN TEXT

Act of March 2, 1893 (27 Stat. 532), referred to in text, is act Mar. 2, 1893, ch. 197, 27 Stat. 532, as amended, which appears in sections 7-107 to 7-111 of Title 7, Highways, Streets, Bridges, of the District of Columbia Code.

The functions, powers, and duties formerly vested in the National Capital Park Commission by the Act of June 6, 1924 (43 Stat. 463), referred to in text, are the functions, powers, and duties vested by act June 6, 1924, ch. 270, §§ 1 to 4, 43 Stat. 463, which enacted sections 71, 72, 73, and 74 of this title prior to the amendment of such act by act July 19, 1952, ch. 949, § 1, 66 Stat. 781.

The Commission, referred to in text, is the National Capital Planning Commission created by section 71a of this title.

CODIFICATION

Section is also set out in D.C. Code, § 1-2007.

TRANSFER OF FUNCTIONS

Functions of National Capital Park Commission and Highway Commission of District of Columbia transferred to National Capital Park and Planning Commission by act Apr. 30, 1926, ch. 198, 44 Stat. 376.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71i, 72, 72a of this title.

§ 71i. Authorization of appropriations to carry out sections 71 to 71i

There are authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated and in any appropriate appropriation Act other than the annual District of Columbia Appropriation Act, such sums as may be necessary to carry out the provisions of sections 71 to 71i of this title, any

existing provisions of law to the contrary notwithstanding.

(June 6, 1924, ch. 270, § 10, as added July 19, 1952, ch. 949, § 1, 66 Stat. 791.)

CODIFICATION

Section is also set out in D.C. Code, § 1-2008.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 72, 72a of this title.

§ 72. Acquisition of land by Commission

Said Commission or a majority thereof is authorized and directed to acquire such lands as in its judgment shall be necessary and desirable in the District of Columbia and adjacent areas in Maryland and Virginia, within the limits of the appropriations made for such purposes, for suitable development of the National Capital park, parkway, and playground system. Said Commission is authorized to acquire such lands by purchase when they can be acquired at prices reasonable in the judgment of said Commission, otherwise by condemnation proceedings, such proceedings to acquire lands within the District of Columbia to be in accordance with the provisions of the Act of Congress approved August 30, 1890, providing a site for the Government Printing Office (United States Statutes at Large, volume 26, chapter 837), the Chief of Engineers of the Army being, for the purposes of sections 71 to 71i, 72, 73 and 74 of this title, clothed with all the power vested by the said act of August 30, 1890, in the board created. Said Commission is authorized to acquire such lands, located in Maryland or Virginia, either by purchase or condemnation proceedings, by such arrangements as to acquisition and payment for the lands as it shall determine upon by agreement with the proper officials of the States of Maryland and Virginia. In the selection of lands to be acquired the advice of the Commission of Fine Arts shall be requested. The designation of all lands to be acquired by condemnation, all contracts for purchase of lands, and all agreements between said Commission and the officials of the States of Maryland and Virginia shall be subject to the approval of the President of the United States.

(June 6, 1924, ch. 270, § 11, formerly § 2, 43 Stat. 463; renumbered § 11, July 19, 1952, ch. 949, § 2, 66 Stat. 791.)

REFERENCES IN TEXT

The Act of Congress approved August 30, 1890, providing a site for the Government Printing Office (United States Statutes at Large, volume 26, chapter 837), referred to in text, is act Aug. 30, 1890, ch. 837, 26 Stat. 412, which enacted section 120 of this title, section 861a of former Title 10, Army and Air Force, section 446 of Title 16, Conservation, sections 497, 601 and 651 of former Title 31, Money and Finance, section 887 of Title 33, Navigation and Navigable Waters, and sections 212, 662 and 945 of Title 43, Public Lands, and amended section 321 of Title 43. Former Titles 10 and 31 were revised generally by act Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 1, and Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 877, respectively. For disposition of sections of former titles, see Table I—Revised Titles. For complete classification of this Act to the Code, see Tables.

Section 2 of act August 30, 1890, referred to in text, created a board consisting of the Secretary of the

Treasury, the Public Printer, and the Architect of the Capitol to acquire land for the accommodation of the Government Printing Office and the construction of needed storage and distributing warehouses in connection therewith. Section 3 of such act authorized the board to acquire the land by negotiation at a price not above a fair relative value as to other lands which had been sold in the immediate vicinity; or if the board were unable to purchase said land by agreement with any one or more of the respective owners at a reasonable price within sixty days after the passage of the act, it was authorized to "make application to the Supreme Court of the District of Columbia [now the United States District Court for the District of Columbia], at any general or special term thereof, by petition for the condemnation of such land not so purchased, and for the ascertainment of its value. Such petition shall contain a particular description of the property not so purchased, and selected for the purpose aforesaid, with the name of the owner or owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land proposed to be taken; and thereupon the said court is authorized and required to cite all such owners and all other persons interested to appear in said court at a time to be fixed by such court, on reasonable notice, to answer the said petition; and if it shall appear to the court that there are any owners or other persons interested who are under disability the court shall give public notice of the time at which the said court will proceed with the matter of condemnation; and at such time if it shall appear that there are any persons under disability either who have appeared or who have not appeared, the court shall appoint guardians ad litem for each such persons, and the court shall thereupon proceed to appoint three capable and disinterested commissioners to appraise the value of the respective interests of all persons concerned in such lands, under such regulations as to notice and hearing as to the court shall seem meet. Such commissioners shall thereupon, after being duly sworn for the proper performance of their duties, examine the premises and hear the persons in interest who may appear before them, and return their appraisal of the value of the interests of all persons, respectively, in such land; and in case any of the persons entitled according to the judgment of the court are under disability, or can not be found, or neglect to receive payment, the money to be paid to any of them shall be deposited in the Treasury to their credit, unless there shall be some person lawfully authorized to receive the same under the direction of the court, and when such payments are so made, or the amounts belonging to persons to whom payment shall not be made are so deposited, the said lands shall be deemed to be condemned and taken by the United States for the public use." These provisions were never executed and the appropriation therefor was suspended by act Mar. 3, 1891, ch. 542, 26 Stat. 989.

However, the provisions of section 3 of the act of Aug. 30, 1890, referred to and partly quoted above, with respect to condemnation proceeding, were rendered general and permanent by a provision of the end of that section which read as follows:

"And hereafter, in all cases of the taking of property in the District of Columbia for public use, whether herein, heretofore, or hereafter authorized, the foregoing provisions, as it respects the application by the proper officer to the supreme court of the District of Columbia [see above for change in name] and the proceedings therein shall be as in the foregoing provisions declared". In view of this provision, section 3, reworded at the beginning thereof to incorporate it, was classified to former section 120 of this title. Former section 120 was superseded in effect by act Mar. 1, 1929, ch. 416, 45 Stat. 1415, which was formerly classified to section 361 et seq. of this title. See chapter 13 (§ 16-1301 et seq.) of Title 16, Particular Actions, Proceedings and Matters, of the District of Columbia Code.

CODIFICATION

Section is also set out in D.C. Code, § 1-2009.

TRANSFER OF FUNCTIONS

“Commission”, as used in this section, refers to National Capital Planning Commission, rather than to National Capital Park and Planning Commission, in view of transfer of functions, powers, etc., from latter to former by section 71h of this title.

DELEGATION OF FUNCTIONS

Authority of President under last sentence of this section to approve (i) designation of lands to be acquired by condemnation, (ii) contracts for purchase of lands, and (iii) agreements between National Capital Planning Commission and officials of States of Maryland and Virginia delegated to Director of Office of Management and Budget, see section 9(4) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71h, 72a, 74 of this title.

§ 72a. Acquisition of land by Commission subject to limited rights reserved to grantor; acquisition of limited permanent rights in land adjoining park property

The authority of the National Capital Planning Commission, established by section 71 of this title, is enlarged as follows:

Said Commission is authorized to acquire, for and in behalf of the United States of America, by gift, devise, purchase, or condemnation, in accordance with the provisions of sections 71 to 71i, 72, 73, and 74 of this title, (1) fee title to land subject to limited rights, but not for business purposes, reserved to the grantor: *Provided*, That such reservation of rights shall not continue beyond the life or lives of the grantor or grantors of the fee: *Provided further*, That in the opinion of said Commission the permanent public park purposes for which control over said land is needed are not essentially impaired by said reserved rights and that there is a substantial saving in cost by acquiring said land subject to said limited rights as compared with the cost of acquiring unencumbered title thereto; (2) permanent rights in land adjoining park property sufficient to prevent the use of said land in certain specified ways which would essentially impair the value of the park property for its purposes: *Provided*, That in the opinion of said Commission the protection and maintenance of the essential public values of said park can thus be secured more economically than by acquiring said land in fee or by other available means: *Provided further*, That all contracts for acquisition of land subject to such limited rights reserved to the grantor and for acquisition of such limited permanent rights in land shall be subject to the approval of the President of the United States.

(Dec. 22, 1928, ch. 48, §1, 45 Stat. 1070; June 6, 1924, ch. 279, §9, as added July 19, 1952, ch. 949, §1, 66 Stat. 790.)

REFERENCES IN TEXT

Former provisions of section 71 of this title, referred to in text, established the National Capital Park and Planning Commission, to which such clause originally referred. For transfer of functions, powers, etc., of that Commission to the National Capital Planning Commission, see Transfer of Functions note set out below, and for creation of the latter Commission, see section 71a of this title.

CODIFICATION

Section is also set out in D.C. Code, §8-101.

TRANSFER OF FUNCTIONS

In opening clause, “National Capital Planning Commission” substituted for “National Capital Park and Planning Commission”, on authority of act June 6, 1924, ch. 270, §9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

DELEGATION OF FUNCTIONS

Authority of President under this section to approve contracts for acquisition of land subject to limited rights reserved to grantor and for acquisition of limited permanent rights in land adjoining park property delegated to Director of Office of Management and Budget, see section 9(5) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

§ 72b. Lease of lands acquired for park, parkway, or playground purposes

The Administrator of General Services is authorized, subject to the approval of the National Capital Planning Commission, to lease, for a term not exceeding five years, and to renew such lease, subject to such approval, for an additional term not exceeding five years, pending need for their immediate use in other ways by the public, and on such terms as the Administrator shall determine, land or any existing building or structure on land acquired for park, parkway, or playground purposes.

(Dec. 22, 1928, ch. 48, §2, 45 Stat. 1070; Ex. Ord. No. 6166, §2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, §1, 48 Stat. 389; 1939 Reorg. Plan No. 1, §303(b), eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1427; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380; June 6, 1924, ch. 279, §9, as added July 19, 1952, ch. 949, §1, 66 Stat. 790.)

CODIFICATION

Section is also set out in D.C. Code, §8-103.

TRANSFER OF FUNCTIONS

“National Capital Planning Commission” substituted in text for “National Capital Park and Planning Commission”, on authority of act June 6, 1924, ch. 270, §9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

“Administrator of General Services” substituted in text for “Director of Public Buildings and Public Parks of the National Capital”. See Transfer of Functions note set out under section 19 of this title.

§ 72c. Power to sell lands

The Mayor of the District of Columbia, with the approval of the National Capital Planning Commission, is authorized and empowered in his discretion, for the best interests of the District of Columbia, to sell and convey, in whole or in part, to the highest bidder at public or private sale, real estate now or hereafter owned in fee simple by the District of Columbia for municipal use, in the District of Columbia, which the Council of the District of Columbia and the National Capital Planning Commission find to be no longer required for public purposes.

(Aug. 5, 1939, ch. 449, §1, 53 Stat. 1211; June 6, 1924, ch. 279, §9, as added July 19, 1952, ch. 949, §1,

66 Stat. 790; 1967 Reorg. Plan No. 3, §§ 401, 402(192), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789.)

CODIFICATION

Section is also set out in D.C. Code, § 9-401.

REPEALS

Section 7 of act Aug. 5, 1939, repealed all acts and parts of acts inconsistent or in conflict therewith.

TRANSFER OF FUNCTIONS

“National Capital Planning Commission” substituted in text for “National Capital Park and Planning Commission”, on authority of act June 6, 1924, ch. 270, § 9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, “Mayor” substituted in text for “commissioners”.

Function of Board of Commissioners to find that real estate is no longer required for a public purpose transferred to District of Columbia Council pursuant to section 402(192) of Reorg. Plan No. 3 of 1967.

“Council of the District of Columbia” substituted in text for “District of Columbia Council” pursuant to section 401 of Pub. L. 93-198. District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1-211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198, classified to section 1-221 of the District of Columbia Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 72e, 74b of this title.

§ 72d. Expenses of land sales

The Mayor of the District of Columbia is further authorized to pay the reasonable and necessary expenses of sale of each parcel of land sold, and shall deposit the net proceeds thereof in the Treasury of the United States to the credit of the District of Columbia.

(Aug. 5, 1939, ch. 449, § 2, 53 Stat. 1211; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, § 9-402.

REPEALS

Section 7 of act Aug. 5, 1939, repealed all acts and parts of acts inconsistent or in conflict therewith.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as estab-

lished by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, “Mayor” substituted in text for “commissioners”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 72e, 74b of this title.

§ 72e. Execution of deeds to lands

The Mayor of the District of Columbia is authorized to execute proper deeds of conveyance for real estate sold under the provisions of sections 72c to 72e and 74a to 74c of this title, which shall contain a full description of the land sold, either by metes and bounds, or otherwise, according to law.

(Aug. 5, 1939, ch. 449, § 3, 53 Stat. 1211; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, § 9-403.

REPEALS

Section 7 of act Aug. 5, 1939, repealed all acts and parts of acts inconsistent or in conflict therewith.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, “Mayor” substituted in text for “commissioners”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 74b of this title.

§ 73. Authorization of appropriations for expenses, and acquisition of lands by Commission; assignment of playground areas; control of lands outside District

There is authorized to be appropriated, each year, in the annual District of Columbia Appropriation Act, a sum not exceeding 1 cent for each inhabitant of the continental United States as determined by the last preceding decennial census, said sum to be used by said Commission for the payment of its expenses and for the acquisition of the lands herein authorized to be acquired by said Commission for the purposes named, the compensation for the land, the expense of surveys, ascertainment of title, condemnation proceedings, if any, and necessary conveyancing to be paid from said appropriations. The funds so appropriated shall be paid from the revenues of the District of Columbia and the general funds of the Treasury in the same proportion as other expenses of the District of Columbia. The land so acquired within the District of Columbia shall be a part of the park system of the District of Columbia and be

under control of the Director of the National Park Service. Areas suitable for playground purposes may, in the discretion of said Commission, be assigned to the control of the Mayor of the District of Columbia for playground purposes. The land so acquired outside the District of Columbia shall be controlled as determined by agreement between said commission and the proper officers of the States of Maryland and Virginia, such agreements to be subject to the approval of the President.

(June 6, 1924, ch. 270, §12, formerly §3, 43 Stat. 463; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983; Ex. Ord. No. 6166, §2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, §1, 48 Stat. 389; renumbered §12, July 19, 1952, ch. 949, §2, 66 Stat. 791; 1967 Reorg. Plan No. 3, §401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, §421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, §1-2010.

TRANSFER OF FUNCTIONS

“Commission”, as used in this section, refers to National Capital Planning Commission, rather than to National Capital Park and Planning Commission, in view of transfer of functions, powers, etc., from latter to former by section 71h of this title.

Functions of all other officers of Department of the Interior and functions of all agencies and employees of that Department, with two exceptions, transferred to Secretary of the Interior, with power vested in him to authorize their performance or performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees. National Park Service, referred to in text, is an agency of Department of the Interior.

Office of Public Buildings and Public Parks of National Capital abolished and functions thereof transferred to Office of National Parks, Buildings, and Reservations of Department of the Interior by Ex. Ord. No. 6166. Name of latter office changed to “National Park Service” by act Mar. 2, 1934.

Act Feb. 26, 1925 ch. 339, §3, 43 Stat. 983, abolished office of Public Buildings and Grounds under Chief of Engineers and transferred functions thereof to Director of Public Buildings and Public Parks.

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, “Mayor” substituted in text for “commissioners”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71h, 72, 72a, 74 of this title.

§ 74. Annual reports of Commission to Congress; estimates for Office of Management and Budget

Said Commission shall report to Congress annually on the first Monday of March the lands acquired during the preceding fiscal year, the method of acquisition, and the cost of each tract. It shall also submit to the Office of Man-

agement and Budget on or before December 15 of each year its estimate of the total sum to be appropriated for expenditure under the provisions of sections 71 to 71i, 72, 73 and 74 of this title during the succeeding fiscal year.

(June 6, 1924, ch. 270, §13, formerly §4, 43 Stat. 464; renumbered §13, July 19, 1952, ch. 949, §2, 66 Stat. 791; 1970 Reorg. Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Pub. L. 94-273, §21, Apr. 21, 1976, 90 Stat. 379.)

CODIFICATION

Section is also set out in D.C. Code, §1-2011.

AMENDMENTS

1976—Pub. L. 94-273 substituted “March” for “December” and “December” for “September”.

TRANSFER OF FUNCTIONS

“Commission”, as used in this section, refers to National Capital Planning Commission, rather than to National Capital Park and Planning Commission, in view of transfer of functions, powers, etc., from latter to former by section 71h of this title.

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of United States by section 101 of Reorg. Plan No. 2 of 1970. Section 102 of Reorg. Plan No. 2 of 1970 redesignated Bureau of the Budget as Office of Management and Budget.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71h, 72, 72a of this title.

§ 74a. Sale by the Secretary of the Interior of lands no longer needed for public purposes

The Secretary of the Interior, with the approval of the National Capital Planning Commission, is authorized, in his discretion, for the best interests of the United States, to sell and convey, in whole or in part, by proper deed or instrument, any real estate held by the United States in the District of Columbia and under the jurisdiction of the National Park Service, which may be no longer needed for public purposes for cash, or on such deferred-payment plan as the Secretary of the Interior may approve, at a price not less than that paid for it by the Government and not less than its present appraised value as determined by him.

(Aug. 5, 1939, ch. 449, §4, 53 Stat. 1211; June 6, 1924, ch. 279, §9, as added July 19, 1952, ch. 949, §1, 66 Stat. 790.)

CODIFICATION

Section is also set out in D.C. Code, §9-404.

REPEALS

Section 7 of act Aug. 5, 1939, repealed all acts and parts of acts inconsistent or in conflict therewith.

TRANSFER OF FUNCTIONS

“National Capital Planning Commission” substituted in text for “National Capital Park and Planning Commission”, on authority of act June 6, 1924, ch. 270, §9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

Functions of all other officers of Department of the Interior and functions of all agencies and employees of that Department, with two exceptions, transferred to Secretary of the Interior, with power vested in him to

authorize their performance or performance of any of his functions by any of those officers, agencies, and employees, by Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees. National Park Service, referred to in text, is an agency of Department of the Interior.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 72e, 74b of this title.

§ 74b. Sale to highest bidder; rights of abutting owner

In selling any parcel of land under sections 72c to 72e and 74a to 74c said Secretary shall cause such public or private solicitation for bids or offers to be made as he may deem appropriate, and shall sell the parcel to the party agreeing to pay the highest price therefor if such price is otherwise satisfactory: *Provided*, That in the event the price offered or bid by the owner of any lands abutting the lands to be sold equals the highest price offered or bid by any other party, the parcel may be sold to such abutting owner.

(Aug. 5, 1939, ch. 449, §5, 53 Stat. 1211.)

CODIFICATION

Section is also set out in D.C. Code, §9-405.

REPEALS

For repeal, see note under section 74a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 72e of this title.

§ 74c. Expenses of sale; disposition of proceeds

Said Secretary is further authorized to pay the reasonable and necessary expenses of sale of each parcel of land sold, and shall deposit the net proceeds thereof in the Treasury to the credit of the United States and the District of Columbia in the proportion that each paid the appropriations from which the parcels of land were acquired or were obligated to pay the same, at the time of acquisition, by reimbursement.

(Aug. 5, 1939, ch. 449, §6, 53 Stat. 1211.)

CODIFICATION

Section is also set out in D.C. Code, §9-406.

REPEALS

For repeal, see note under section 74a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 72e, 74b of this title.

§§ 75 to 77. Omitted

CODIFICATION

Section 75, acts July 1, 1898, ch. 543, §2, 30 Stat. 570; Feb. 2, 1904, ch. 89, 33 Stat. 10; Apr. 14, 1906, ch. 1622, 34 Stat. 112; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983, related to park system in District of Columbia and rules relating to improvements, parking spaces, and business streets. See D.C. Code, §8-104.

Section 76, acts June 5, 1920, ch. 235, 41 Stat. 898; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983, related to vehicle and traffic regulations issued and enforced by Director of National Park Service in District of Columbia. See D.C. Code, §8-105.

Section 77, act May 27, 1924, ch. 199, §9, 43 Stat. 176, related to appointment and powers of special police in District of Columbia. See D.C. Code, §4-205.

§ 77a. Repealed. Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 656

Section, act Aug. 11, 1951, ch. 301, title I, 65 Stat. 185, authorized a detail of Secret Service Agents to supervise the guard for Treasury Department buildings.

Acts May 6, 1939, ch. 115, title I, 53 Stat. 657; Mar. 25, 1940, ch. 71, title I, 54 Stat. 57; May 31, 1941, ch. 156, title I, 55 Stat. 214; Mar. 10, 1942, ch. 178, title I, 56 Stat. 152; June 30, 1943, ch. 179, title I, 57 Stat. 260; Apr. 22, 1944, ch. 175, title I, 58 Stat. 204; Apr. 24, 1945, ch. 92, title I, 59 Stat. 64; July 20, 1946, ch. 588, title I, 60 Stat. 576; July 1, 1947, ch. 186, title I, 61 Stat. 222; June 14, 1948, ch. 466, title I, 62 Stat. 413; June 30, 1949, ch. 286, title I, 63 Stat. 362; Sept. 6, 1950, ch. 896, Ch. IV, title I, 64 Stat. 638, contained similar provisions to section 77a of this title, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 650 to 656.

§ 78. Omitted

CODIFICATION

Section, acts July 1, 1898, ch. 543, §4, 30 Stat. 570; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983, related to use of spaces and reservation of spaces for widening roadways in the District of Columbia. See D.C. Code, §8-123.

§ 79. Transfers of jurisdiction between Director of National Park Service and Mayor of District of Columbia

When in accordance with law or mutual legal agreement, spaces or portions of public land are transferred from the jurisdiction of the Director of the National Park Service, as established by this Act to that of the Mayor of the District of Columbia, or vice versa, the letters exchanged between them of transfer and acceptance shall be sufficient authority for the necessary change in the official maps and for record when necessary.

(July 1, 1898, ch. 543, §5, 30 Stat. 570; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983; Ex. Ord. No. 6166, §2, eff. June 10, 1933, Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. 1, §303(b), eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1427; 1967 Reorg. Plan No. 3, §401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, §421, Dec. 24, 1973, 87 Stat. 789.)

REFERENCES IN TEXT

This Act, referred to in text, is act July 1, 1898, ch. 543, 30 Stat. 570, as amended, which enacted sections 60, 75, 78, 79, and 80 of this title and amended section 67 of this title. Sections 60, 67, 75, 78, and 80 of this title have been omitted from the Code. See sections 8-106, 5-204, 8-104, 8-123, and 8-137 of the D.C. Code. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is also set out in D.C. Code, §8-129.

Act July 1, 1898 applied to transfers of land from the jurisdiction of the Chief of Engineers of the United States Army, as established by said act to that of the Commissioners of the District of Columbia, or vice versa.

TRANSFER OF FUNCTIONS

Functions of all other officers of Department of the Interior and functions of all agencies and employees of that Department, with two exceptions, transferred to Secretary of the Interior, with power vested in him to authorize their performance or performance of any of his functions by any of those officers, agencies, and employees, by Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix

to Title 5, Government Organization and Employees. National Park Service, referred to in text, is an agency of Department of the Interior.

Functions of Director of National Park Service relating to public buildings transferred to Federal Works Administrator by section 303(b) of Reorg. Plan No. 1, of 1939.

Office of Public Buildings and Public Parks of National Capital abolished and functions thereof transferred to Office of National Parks, Buildings and Reservations of Department of the Interior by Ex. Ord. No. 6166. Name of latter office changed to "National Park Service" by act Mar. 2, 1934.

Office of Public Buildings and Grounds under Chief of Engineers abolished and functions of Chief of Engineers and of Secretary of War with respect thereto transferred to Director of Public Buildings and Public Parks of National Capital by act Feb. 26, 1925.

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, "Mayor" substituted in text for "commissioners".

Section 402(181) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, transferred regulatory and other functions of Board of Commissioners relating to transfer of jurisdiction over properties or parts of properties to Federal authorities, and accepting from Federal authorities jurisdiction over properties or parts thereof under this section, to District of Columbia Council, subject to right of Commissioner as provided by section 406 of the Plan. For provisions establishing District of Columbia Council, see section 201 of the Reorg. Plan No. 3 of 1967.

CROSS REFERENCES

General authorization for transfer; recommendation by National Capital Planning Commission; reports to Congress, see section 122 of this title.

§§ 80, 81. Omitted

CODIFICATION

Section 80, acts July 1, 1898, ch. 543, §6, 30 Stat. 571; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983, related to authority to make regulations for care of public grounds. See D.C. Code, §8-137.

Section 81, acts Mar. 4, 1909, ch. 299, 35 Stat. 994; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983, related to authority to make regulations for care of sidewalks. See D.C. Code, §8-138.

§ 82. Public spaces resulting from filling of canals under jurisdiction of Director

All public spaces resulting from the filling of canals in the original city of Washington not under the jurisdiction of the Director of the National Park Service as of August 1, 1914, except such portions as are included in the navy yard or in actual use as roadways and sidewalks, and except the portions assigned by law to the District of Columbia for use as a property yard and the location of a sewage pumping station, respectively, are placed under the jurisdiction of the Director of the National Park Service and shall be laid out as reservations as a part of the park system of the District of Columbia.

(Aug. 1, 1914, ch. 223, 38 Stat. 633; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983; Ex. Ord. No. 6166, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389.)

CODIFICATION

Section is also set out in D.C. Code, §8-139.

Section is based on Sundry Civil Appropriation Act Aug. 1, 1914, fiscal year 1915.

TRANSFER OF FUNCTIONS

For transfer of functions from Chief of Engineers of United States Army to Director of National Park Service by act Feb. 26, 1925, Ex. Ord. No. 6166, and by act Mar. 2, 1934, see note set out under section 73 of this title.

§§ 83 to 88. Omitted

CODIFICATION

Section 83, act Sept. 27, 1890, ch. 1001, §1, 26 Stat. 492, related to establishment of Rock Creek Park in District of Columbia. See D.C. Code, §8-140.

Section 84, acts Sept. 27, 1890, ch. 1001, §7, 26 Stat. 495; July 1, 1918, ch. 113, 40 Stat. 650; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983, related to control and regulation of Rock Creek Park in District of Columbia. See D.C. Code, §8-142.

Section 85, act July 1, 1918, ch. 113, 40 Stat. 650, related to Piney Branch Parkway part of park system in District of Columbia. See D.C. Code, §8-146.

Section 86, act Mar. 3, 1897, ch. 375, 29 Stat. 624, related to establishment of Potomac Park in District of Columbia. See D.C. Code, §8-147.

Section 87, acts Aug. 1, 1914, ch. 223, 38 Stat. 634; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983, related to control of Potomac Park in District of Columbia. See D.C. Code, §8-148.

Section 88, act Aug. 1, 1914, ch. 223, 38 Stat. 634, related to restriction on construction of lagoon or speedway in Potomac Park in District of Columbia. See D.C. Code, §8-149.

§ 89. Potomac Park; temporary occupancy by Department of Agriculture

The Director of the National Park Service is authorized to grant permission to the Department of Agriculture for the temporary occupation of such area or areas of Potomac Park, not exceeding a total of seventy-five acres in extent, as may not be needed in any one season for the reclamation or park improvement, the said areas to be used by the Department of Agriculture as testing grounds: *Provided*, That nothing herein contained shall be construed to change the essential character of the lands so used, which lands shall continue to be a public park, as provided in section 86 of this title: *And provided further*, That said area or areas shall be vacated by the Department of Agriculture at the close of any season upon the request of the said director: *And provided further*, That the entire park shall remain under the charge of the said director.

(Mar. 3, 1899, ch. 458, §2, 30 Stat. 1378; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983; Ex. Ord. No. 6166, §2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389.)

REFERENCES IN TEXT

Section 86 of this title, referred to in text, was omitted from the Code. See D.C. Code, §8-147.

CODIFICATION

Section is also set out in D.C. Code, §8-150.

TRANSFER OF FUNCTIONS

Duties imposed upon Secretary of War in relation to grounds, parks, etc., in District of Columbia trans-

ferred to Director of Public Buildings and Public Parks of National Capital by act Feb. 26, 1925.

Office of Public Buildings and Public Parks of National Capital abolished and its functions transferred to Office of National Parks, Buildings, and Reservations of Department of the Interior by Ex. Ord. No. 6166. Name of latter office changed to "National Park Service" by act Mar. 2, 1934.

§ 90. Omitted

CODIFICATION

Section, act May 27, 1908, ch. 200, 35 Stat. 355, related to licenses for boathouses on banks of tidal reservoir on Potomac River in District of Columbia. See D.C. Code, §§ 8-151.

§ 91. Repealed. Mar. 4, 1925, ch. 556, 43 Stat. 1323

Section, act June 12, 1917, ch. 27, 40 Stat. 133, related to Tidal Basin bathing beach.

§§ 92 to 99. Omitted

CODIFICATION

Section 92, act Mar. 4, 1913, ch. 147, § 22, 37 Stat. 885, related to reimbursement to United States of part of cost of construction of parkway connecting Potomac Park with Zoological Park and Rock Creek Park in District of Columbia. See D.C. Code, §§ 8-152.

Section 92a, act Mar. 2, 1929, ch. 542, 45 Stat. 1523, related to boundaries of parkway connecting Potomac Park with Zoological and Rock Creek Parks in District of Columbia. See D.C. Code, §§ 8-153.

Section 93, acts Mar. 4, 1913, ch. 150, 37 Stat. 971; Aug. 1, 1914, ch. 223, 38 Stat. 625; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983, related to small parks at certain street intersections in District of Columbia. See D.C. Code, §§ 8-107.

Section 94, act Aug. 31, 1918, ch. 164, 40 Stat. 950, 951, related to designation of Anacostia Park in District of Columbia. See D.C. Code §§ 8-155.

Section 95, act June 6, 1924, ch. 271, § 1, 43 Stat. 464, related to boundaries of Glover Parkway and Children's Playground in District of Columbia. See D.C. Code §§ 8-156.

Section 96, act June 6, 1924, ch. 271, § 2, 43 Stat. 464, related to designation of Glover Parkway and Children's Playground as part of park system of District of Columbia. See D.C. Code, §§ 8-157.

Section 97, acts May 18, 1910, ch. 248, 36 Stat. 383; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983, related to jurisdiction over reservation number 185 in District of Columbia. See D.C. Code, §§ 8-122.

Section 98, act Mar. 3, 1903, ch. 1007, 32 Stat. 1122, related to use of public grounds for playgrounds in District of Columbia. See D.C. Code, §§ 8-124.

Section 99, act May 27, 1908, ch. 200, 35 Stat. 355, related to licenses for temporary structures on reservations used as playgrounds in District of Columbia. See D.C. Code, §§ 8-125.

§ 100. Part of Washington Aqueduct for playground purposes

The Chief of Engineers is authorized to transfer for playground purposes the possession, use, and control of all that portion of the land of the Washington Aqueduct adjacent to the Champlain Avenue pumping station and lying outside of the fence around said pumping station existing on August 31, 1918, to the control and jurisdiction of the Mayor of the District of Columbia. Nothing in this section shall be construed as affecting the superintendence and control of the Secretary of the Army over the Washington Aqueduct, its rights, appurtenances, and fixtures connected with the same.

(Aug. 31, 1918, ch. 164, 40 Stat. 951; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81

Stat. 951; Pub. L. 93-198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is based on District of Columbia Appropriation Act of Aug. 31, 1918.

Section is also set out in D.C. Code, §§ 8-126.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, "Mayor" substituted in text for "commissioner".

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

§ 101. Laws of District extended to public buildings and grounds

The provisions of the several laws and regulations within the District of Columbia for the protection of public or private property and the preservation of peace and order are extended to all public buildings and public grounds belonging to the United States within the District of Columbia. Any person guilty of disorderly and unlawful conduct in or about the same, or who shall willfully injure the buildings or shrubs, or shall pull down, impair, or otherwise injure any fence, wall, or other inclosure, or shall injure any sink, culvert, pipe, hydrant, cistern, lamp, or bridge, or shall remove any stone, gravel, sand, or other property of the United States, or any other part of the public grounds or lots belonging to the United States in the District of Columbia shall be fined not more than \$500, or imprisoned not more than six months, or both. (July 29, 1892, ch. 320, § 15, 27 Stat. 325; Pub. L. 90-108, § 2, Oct. 20, 1967, 81 Stat. 277.)

CODIFICATION

Section is also set out in D.C. Code, §§ 4-116, 22-3111.

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 192 of this title.

AMENDMENTS

1967—Pub. L. 90-108 substituted "shall be fined not more than \$500, or imprisoned not more than six months, or both" for "shall, upon conviction thereof, be fined not more than \$50".

VIOLATIONS PRIOR TO 1967 AMENDMENT

For prosecution of violations of this section prior to enactment of Pub. L. 90-108, see section 3 of Pub. L. 90-108, set out as an Effective Date of 1967 Amendment note under section 193a of this title.

EFFECT OF OTHER LAWS

Section as unaffected by sections 193a to 193l, 212a, 212b of this title, see note set out under section 193a of this title.

BOARD OF METROPOLITAN POLICE

Duties and authority of former Board of Metropolitan Police of District of Columbia, for police purposes, were extended to all public squares and places, and authorizing and requiring Board to make appropriate rules and regulations in relation thereto, by act Mar. 3, 1875, ch. 130, 18 Stat. 385, and repeated in act July 31, 1876, ch. 246, 19 Stat. 110, and act Mar. 3, 1877, ch. 105, 19 Stat. 346. Powers and duties exercised by Board transferred to Commissioners of District of Columbia by act June 11, 1878, ch. 180, § 6, 20 Stat. 107.

SPECIAL POLICEMEN

The provision of act Oct. 26, 1942, ch. 629, title II, 56 Stat. 1000, which related to designation by Commissioner of Public Buildings of employees of Public Buildings Administration as special policemen without compensation during continuance of unlimited national emergency declared by President on May 27, 1941, was repealed, effective July 1, 1948, by Joint Res. July 25, 1947, ch. 327, § 2(a), 61 Stat. 451.

§ 102. Ailanthus trees prohibited

No more ailanthus¹ trees shall be purchased for or planted in the public grounds.

(R.S. § 1830.)

CODIFICATION

R.S. § 1830 derived from act Mar. 3, 1853, ch. 97, § 1, 10 Stat. 207.

§ 103. Trees, shrubs, and plants, in greenhouses and nursery

On and after June 20, 1878, only such trees, shrubs, and plants shall be propagated at the greenhouses and nursery as are suitable for planting in the public reservations, to which purpose only the said productions of the greenhouses and nursery shall be applied.

(June 20, 1878, ch. 359, 20 Stat. 220.)

CODIFICATION

Section is based on Sundry Civil Appropriation Act June 20, 1878, fiscal year 1879.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

§ 104. Commission of Fine Arts

A permanent Commission of Fine Arts is created to be composed of seven well-qualified judges of the fine arts, who shall be appointed by the President, and shall serve for a period of four years each, and until their successors are appointed and qualified. The President shall have authority to fill all vacancies. It shall be the duty of such commission to advise upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia, and upon the selection of models for statues, fountains, and monuments erected under the authority of the United States and upon the selection of artists for the execution of the same. It shall be the duty of the officers charged by law to determine such questions

in each case to call for such advice. The foregoing provisions of this section shall not apply to the Capitol Building of the United States and the building of the Library of Congress. The commission shall also advise generally upon questions of art when required to do so by the President, or by any committee of either House of Congress. Said commission shall have a secretary and such other assistance as the commission may authorize, and the members of the commission shall each be paid actual expenses in going to and returning from Washington to attend the meetings of said Commission and while attending the same.

(May 17, 1910, ch. 243, § 1, 36 Stat. 371.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 106 of this title.

§ 105. Secretary and executive officer

The officer in charge of public buildings and grounds shall be the secretary and shall act as the executive officer of the Commission of Fine Arts.

(June 25, 1910, ch. 384, 36 Stat. 728.)

CODIFICATION

Section is based on Sundry Civil Appropriation Act June 25, 1910, fiscal year 1910.

CROSS REFERENCES

Supervision of public buildings and grounds in the District of Columbia not otherwise provided by law, see section 19 of this title and note thereunder.

§ 106. Authorization of appropriations

There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of section 104 of this title.

(May 17, 1910, ch. 243, § 2, 36 Stat. 371; May 25, 1955, ch. 76, 69 Stat. 66; Pub. L. 86-461, May 13, 1960, 74 Stat. 128.)

AMENDMENTS

1960—Pub. L. 86-461 substituted “There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of section 104 of this title” for “To meet the expenses made necessary by section 104 of this title an expenditure of not exceeding \$35,000 a year is authorized”.

1955—Act May 25, 1955, increased amount authorized for annual expenses from \$10,000 to \$35,000.

§§ 107, 108. Omitted

CODIFICATION

Section 107, act Mar. 3, 1899, ch. 458, § 1, 30 Stat. 1377, related to control and jurisdiction of wharf property in District of Columbia. See D.C. Code, § 9-101.

Section 108, act Mar. 3, 1899, ch. 458, § 2, 30 Stat. 1378, related to District of Columbia wharf property and the authority to make rules and regulations relating to leases and rents. See D.C. Code, § 9-102.

§§ 109, 109a. Repealed. July 18, 1940, ch. 634, §§ 1, 2, 54 Stat. 764

Section 109, act July 18, 1940, ch. 634, § 1, 54 Stat. 764, related to inspection of fuel in District of Columbia and repealed R.S. §§ 3711, 3712, 3713, from which section 109 was derived, but made no mention of acts Mar. 2, 1895, ch. 177, § 6, 28 Stat. 808; Mar. 15, 1898, ch. 68, § 6, 30 Stat. 316; June 10, 1921, ch. 18, §§ 301, 304, 42 Stat. 23, 24, which were amendments to R.S. § 3711.

¹ So in original. Probably should be “ailanthus”.

Section 109a, act July 18, 1940, ch. 634, § 2, 54 Stat. 764, repealed those parts of acts Mar. 15, 1934, ch. 70, title I, 48 Stat. 438; May 14, 1935, ch. 110, 49 Stat. 234; June 23, 1936, ch. 725, 49 Stat. 1844; May 14, 1937, ch. 180, title I, 50 Stat. 154; Mar. 28, 1938, ch. 55, 52 Stat. 139, from which section 109a was derived, and which related to purchases of coal and wood by Procurement Division; application of statutory requirements as to weighing, etc., but failed to repeal act May 6, 1939, ch. 115, title I, 53 Stat. 674, and act Mar. 25, 1940, ch. 71, title I, 54 Stat. 69, which contained similar provisions. Similar provisions were also contained in Treasury Department Appropriation Acts of June 30, 1943, ch. 179, title I, 57 Stat. 262; Mar. 10, 1942, ch. 178, title I, 56 Stat. 161; May 31, 1941, ch. 156, title I, 55 Stat. 226. No subsequent act contained those provisions.

§§ 110 to 112. Repealed. Oct. 31, 1951, ch. 654, § 1(85–87), 65 Stat. 704

Section 110, act July 1, 1918, ch. 113, 40 Stat. 672, related to fuel storage and distributing yards in District of Columbia and authority of Secretary of the Treasury to select, purchase, contract for and distribute fuel required by the Federal and District of Columbia governments.

Section 111, act July 11, 1919, ch. 9, 41 Stat. 148, excepted naval establishments from operation of section 110 of this title except the naval hospital in District of Columbia.

Section 112, act July 19, 1919, ch. 24, 41 Stat. 200, related to authority of Secretary of the Treasury to contract for the purchase of fuel in advance of the availability of appropriations.

§ 112a. Omitted

CODIFICATION

Section, act Mar. 5, 1928, ch. 126, title I, 45 Stat. 186, related to payment of contracts for fuel for public buildings. See sections 474, 481, and 756 of this title.

§ 113. Delivery of fuel for use during ensuing fiscal year

The Administrator of General Services is authorized to deliver, during the months of April, May, and June of each year, to all branches of the Federal service and the municipal government in the District of Columbia, such quantities of fuel for their use during the following fiscal year as it may be practicable to store at the points of consumption, payment therefor to be made by these branches of the Federal service and municipal government from their applicable appropriations for such fiscal year.

(June 5, 1920, ch. 235, 41 Stat. 913; Ex. Ord. No. 4239, July 1, 1925; Ex. Ord. No. 6166, § 1, June 10, 1933.)

CODIFICATION

Section is based on Sundry Civil Appropriation Act June 5, 1920, fiscal year 1920.

TRANSFER OF FUNCTIONS

Transfers of functions in respect to Government fuel yards by Executive Orders and act June 30, 1949, ch. 288, 63 Stat. 380, see sections 474, 481, and 756 of this title.

The authority of this section originally, by act June 5, 1920, was vested in Secretary of the Interior.

CROSS REFERENCES

Operation of fuel yards by Administrator of General Services or executive agencies, see section 481 of this title.

§ 114. Repealed. Oct. 31, 1951, ch. 654, § 1(88), 65 Stat. 704

Section, act Jan. 24, 1923, ch. 42, 42 Stat. 1211, related to payments by various branches of Federal service for fuel furnished, and method thereof. See section 756 of this title.

§§ 115, 115a. Omitted

CODIFICATION

Section 115, act Mar. 1, 1933, ch. 144, title III, 47 Stat. 1406, related to requirement that all moneys received from sales of fuel be credited to appropriation for operating expenses of fuel yard.

Section 115a, act Mar. 15, 1934, ch. 70, title I, 48 Stat. 438, related to purchases of coal and wood by government fuel yards and application of statutory requirements as to weighing etc.

§§ 116, 117. Repealed. Oct. 31, 1951, ch. 654, § 1(85), (88), 65 Stat. 704

Section 116, act July 1, 1918, ch. 113, 40 Stat. 673, prohibited use of any moneys appropriated in taking over or in any way interfering with the yards or coal dumps or other facilities for storage and distribution of coal that were used and occupied during the year preceding July 1, 1918, by coal dealers for supplying the general public.

Section 117, act Jan. 24, 1923, ch. 42, 42 Stat. 1211, related to use of appropriations for maintenance and operation of fuel yard in District of Columbia for acquisition of land therefor and construction of a garage building thereon. See section 756 of this title.

§ 118. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(25), formerly title V, § 502(a)(25), 63 Stat. 401; renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583

Section, act June 5, 1920, ch. 235, 41 Stat. 913; Ex. Ord. No. 4239, July 1, 1925; Ex. Ord. No. 6166, § 1, June 10, 1933, related to exchange of motor vehicles and other equipment used by fuel yards for new equipment. See section 471 et seq. of this title and section 251 et seq. of Title 41, Public Contracts.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1949, see section 505 of act June 30, 1949.

§ 119. Repealed. Oct. 31, 1951, ch. 654, § 1(89), 65 Stat. 705

Section, act June 5, 1920, ch. 235, 41 Stat. 913, related to hauling of sand, gravel, stone, etc., in trucks of Government fuel yards, and payment therefor. See sections 474, 481, and 756 of this title.

§ 120. Omitted

CODIFICATION

Section, act Aug. 30, 1890, ch. 837, § 3, 26 Stat. 412, related to proceedings for acquisition of lands in District of Columbia. See D.C. Code, § 16–1301 et seq., and notes set out under section 72 of this title.

§ 121. Regulation of height, design, and construction of private and semipublic buildings adjacent to public buildings and grounds; building permits

In view of the provisions of the Constitution respecting the establishment of the seat of the National Government, the duties it imposed upon Congress in connection therewith, and the solicitude shown and the efforts exerted by President Washington in the planning and devel-

opment of the Capital City, it is hereby declared that such development should proceed along the lines of good order, good taste, and with due regard to the public interests involved, and a reasonable degree of control should be exercised over the architecture of private or semipublic buildings adjacent to public buildings and grounds of major importance. To this end, hereafter when application is made for permit for the erection or alteration of any building, any portion of which is to front or abut upon the grounds of the Capitol, the grounds of the White House, the portion of Pennsylvania Avenue extending from the Capitol to the White House, Lafayette Park, Rock Creek Park, the Zoological Park, the Rock Creek and Potomac Parkway, Potomac Park, The Mall Park System and public buildings adjacent thereto, or abutting upon any street bordering any of said grounds or parks, the plans therefor, so far as they relate to height and appearance, color, and texture of the materials of exterior construction, shall be submitted by the Mayor of the District of Columbia to the Commission of Fine Arts; and the said Commission shall report promptly to said Mayor its recommendations, including such changes, if any, as in its judgment are necessary to prevent reasonably avoidable impairment of the public values belonging to such public building or park; and said Mayor shall take such action as shall, in his judgment, effect reasonable compliance with such recommendation: *Provided*, That if the said Commission of Fine Arts fails to report its approval or disapproval of such plans within thirty days, its approval thereof shall be assumed and a permit may be issued.

(May 16, 1930, ch. 291, 46 Stat. 366; July 31, 1939, ch. 400, 53 Stat. 1144; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, § 5-410.

AMENDMENTS

1939—Act July 31, 1939, inserted reference to Lafayette Park.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, “Mayor” substituted in text for “commissioner”.

AREA OF PLATS REQUIRING CERTAIN BUILDING PERMITS

Section 2 of act May 16, 1930, provided that: “Said Commissioners of the District of Columbia, in consultation with the National Capital Park and Planning Commission, as early as practicable after approval of this act [enacting this section], shall prepare plats defining the areas within which application for building permits shall be submitted to the Commission of Fine Arts for its recommendations.”

§ 122. Jurisdiction over public lands; transfer by Federal and District authorities

Federal and District authorities administering properties within the District of Columbia owned by the United States or by the said District are authorized to transfer jurisdiction over parts or all of such properties among or between themselves for purposes of administration and maintenance under such conditions as may be mutually agreed upon: *Provided*, That prior to the consummation of any transfer hereunder such proposed transfer shall be recommended by the National Capital Planning Commission: *Provided further*, That all such transfers and agreements shall be reported to Congress by the District authorities concerned.

(May 20, 1932, ch. 197, § 1, 47 Stat. 161; June 6, 1924, ch. 270, § 9, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790; Aug. 30, 1954, ch. 1076, § 1(20), 68 Stat. 967.)

CODIFICATION

Section is also set out in D.C. Code, § 8-111.

AMENDMENTS

1954—Act Aug. 30, 1954, repealed requirement that Federal authorities concerned should also report to Congress all transfers and agreements authorized by this section.

TRANSFER OF FUNCTIONS

Section 402(181) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, transferred regulatory and other functions of Board of Commissioners relating to transfer of jurisdiction over properties or parts of properties to Federal authorities, and accepting from Federal authorities jurisdiction over properties or parts thereof under this section, to District of Columbia Council, subject to right of Commissioner as provided by section 406 of Plan. For provisions establishing District of Columbia Council, see section 201 of the Reorg. Plan No. 3 of 1967.

“National Capital Planning Commission” substituted in text for “National Capital Park and Planning Commission”, on authority of act June 6, 1924, ch. 270, § 9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

CROSS REFERENCES

Letters of transfer and acceptance as authority for the necessary change in the official maps and for record when necessary, see section 79 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§ 123. Effect of section 122 on existing laws

Nothing in section 122 of this title shall be construed to repeal the provisions of any existing law or laws authorizing the transfer of jurisdiction of certain lands between and among Federal and District authorities, but all such laws shall remain in full force and effect.

(May 20, 1932, ch. 197, § 2, 47 Stat. 162.)

CODIFICATION

Section is also set out in D.C. Code, § 8-112.

§ 124. Theodore Roosevelt Island; administration; development

The island, known as Theodore Roosevelt Island, shall be maintained and administered by

the Director of the National Park Service as a natural park for the recreation and enjoyment of the public: *Provided*, That no general plan for the development of the island be adopted without the approval of the Theodore Roosevelt Association; and that, so long as this association remains in existence, no development, inconsistent with this plan, be executed without the association's consent.

(May 21, 1932, ch. 200, §1, 47 Stat. 163; Feb. 11, 1933, ch. 48, §1, 47 Stat. 799; Ex. Ord. No. 6166, §2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; May 21, 1953, ch. 63, §2, 67 Stat. 28.)

CODIFICATION

Provisions of this section relating to acceptance of Theodore Roosevelt Island by the National Park Service from the Theodore Roosevelt Association have been omitted.

Section is also set out in D.C. Code, §8-158.

AMENDMENTS

1953—Act May 21, 1953, substituted "Theodore Roosevelt Association" for "Roosevelt Memorial Association".

1933—Act Feb. 11, 1933, substituted "Theodore Roosevelt Island" for "Roosevelt Island".

TRANSFER OF FUNCTIONS

Functions of all other officers of Department of the Interior and functions of all agencies and employees of that Department, with two exceptions, transferred to Secretary of the Interior, with power vested in him to authorize their performance or performance of any of his functions by any of those officers, agencies, and employees, by Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Ex. Ord. No. 6166 abolished Office of Public Buildings and Public Parks of National Capital and transferred functions thereof to Office of National Parks, Buildings and Reservations of Department of the Interior. Act Mar. 2, 1934, changed name of latter Office to National Park Service.

§ 125. Means of access; care, maintenance, and improvements; appropriation; Theodore Roosevelt Island

The Director of the National Park Service is authorized to provide suitable means of access to and upon the said Theodore Roosevelt Island as appropriations are made available from time to time and subject to the approval of the National Capital Planning Commission; and the appropriations needed for such construction and annually for the care, maintenance, and improvement of the said lands and improvements, are authorized to be made from any funds not otherwise appropriated from the Treasury of the United States.

(May 21, 1932, ch. 200, §2, 47 Stat. 164; Feb. 11, 1933, ch. 48, §1, 47 Stat. 799; Ex. Ord. No. 6166, §2, June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; June 6, 1924, ch. 279, §9, as added July 19, 1952, ch. 949, §1, 66 Stat. 790.)

CODIFICATION

Section is also set out in D.C. Code, §8-159.

AMENDMENTS

1933—Act Feb. 11, 1933, substituted "Theodore Roosevelt Island" for "Roosevelt Island".

TRANSFER OF FUNCTIONS

"Director of the National Park Service" substituted for "director", meaning Director of Public Buildings

and Public Parks of National Capital. See Transfer of Functions note set out under section 124 of this title.

"National Capital Planning Commission" substituted for "National Capital Park and Planning Commission" on authority of act June 6, 1924, ch. 270, §9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

§ 126. Erection of monument or memorial and related structures; authorization of appropriations; Theodore Roosevelt Island

The Secretary of the Interior shall erect on Theodore Roosevelt Island such monument or memorial to the memory of Theodore Roosevelt, and related structures, as may be approved by the living children of Theodore Roosevelt, the Theodore Roosevelt Association, the Commission of Fine Arts, and the National Capital Planning Commission. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(May 21, 1932, ch. 200, §3, 47 Stat. 164; Feb. 11, 1933, ch. 48, §1, 47 Stat. 799; May 21, 1953, ch. 63, §2, 67 Stat. 28; Pub. L. 86-764, Sept. 13, 1960, 74 Stat. 904.)

CODIFICATION

Section is also set out in D.C. Code, §8-160.

AMENDMENTS

1960—Pub. L. 86-764 substituted provisions for erection of a monument or memorial to memory of Theodore Roosevelt by the Secretary of the Interior with the approval of the living children of Theodore Roosevelt and authorizing an appropriation therefor for former provision permitting the Roosevelt Memorial Association to undertake such construction.

1953—Act May 21, 1953, substituted "Theodore Roosevelt Association" for "Roosevelt Memorial Association".

1933—Act Feb. 11, 1933, substituted "Theodore Roosevelt Island" for "Roosevelt Island".

§ 127. Designation in documents, etc.; Theodore Roosevelt Island

In all public documents, records, and maps of the United States in which Roosevelt Island is designated or referred to it shall be designated as "Theodore Roosevelt Island."

(Feb. 11, 1933, ch. 48, §2, 47 Stat. 799.)

CODIFICATION

Section is also set out in D.C. Code, §8-161.

§ 128. Approval by Administrator of General Services of sketches, plans, and estimates of buildings; exemptions

On and after June 14, 1946, subject to applicable provisions of existing law relating to the functions in the District of Columbia of the National Capital Planning Commission and the Commission of Fine Arts, only the Administrator of General Services shall be required to approve sketches, plans, and estimates for buildings to be constructed by the General Services Administration, except in the case of buildings designed for post-office purposes which shall be approved by the Administrator of General Services and the United States Postal Service.

(June 14, 1946, ch. 404, §8, 60 Stat. 258; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380; June 6,

1924, ch. 279, § 9, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790; Pub. L. 91-375, § 4(a), Aug. 12, 1970, 84 Stat. 773.)

TRANSFER OF FUNCTIONS

“National Capital Planning Commission” substituted in text for “National Capital Park and Planning Commission” on authority of act June 6, 1924, ch. 270, § 9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

“Administrator of General Services” substituted in text for “Commissioner of Public Buildings” on authority of act June 30, 1949, which transferred functions of latter to former. See section 753 of this title.

“United States Postal Service” substituted in text for “Postmaster General” pursuant to Pub. L. 91-375, § 4(a), set out as a note under section 201 of Title 39, Postal Service, which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

§ 129. Lease of building space by wholly owned Government corporations; rental

Wholly owned Government corporations requiring space in office buildings at the seat of government shall occupy only such space as may be allotted in accordance with the provisions of section 1 of this title, and shall pay such rental thereon as may be determined by the Administrator of General Services, such rental to include all cost of maintenance, upkeep, and repair.

(July 30, 1947, ch. 358, title III, § 306, 61 Stat. 584; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

REFERENCES IN TEXT

Section 1 of this title, referred to in text, was act Mar. 1, 1919, ch. 86, § 10, 40 Stat. 1269, which was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 644.

TRANSFER OF FUNCTIONS

Functions with respect to acquiring space in buildings by lease and functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), with certain exceptions, transferred from respective agencies in which theretofore vested to Administrator of General Services by section 1 of Reorg. Plan No. 18 of 1950, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out as a note under section 490 of this title. For delegation of those transferred functions to other personnel of General Services Administration, or to heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of that Plan.

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of that act.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949 set out as an Effective Date note under section 471 of this title.

CROSS REFERENCES

Operation of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 1438.

§ 129a. Courthouse construction authorized; cost; repayment to United States

The Administrator of General Services is hereby authorized to construct, equip, and furnish the building for the use of the United States Court of Appeals for the District of Columbia and the United States District Court for the District of Columbia, the planning and site acquisition of which were authorized by the Act of May 29, 1947 (Public Law 80, Eightieth Congress), under a total limit of cost for the entire project of \$18,665,000, including architectural, engineering, and administrative expenses (which limit of cost also includes the credit of \$2,420,000 granted the District of Columbia as compensation for the site of the project by said Act of May 29, 1947, and the \$370,000 for plans and specifications heretofore appropriated under Public Law 271, Eightieth Congress, approved July 30, 1947): *Provided*, That the Mayor of the District of Columbia shall repay to the United States, over a period of twenty-five years, 50 per centum of the cost of the entire project upon completion, less the credit of \$2,420,000 granted the District of Columbia as compensation for the site of the project by said Act of May 29, 1947, in equal annual installments, beginning with the July 1 next following the date of completion of the project: *Provided further*, That the cost of operation, maintenance, and repair of the completed project shall be divided equally between the United States of America and the District of Columbia.

(May 14, 1948, ch. 290, § 1, 62 Stat. 235; June 25, 1948, ch. 646, § 32(b), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; 1967 Reorg. Plan No. 3, § 401, eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789.)

REFERENCES IN TEXT

Act of May 29, 1947 (Public Law 80, Eightieth Congress), and Public Law 271, Eightieth Congress, approved July 30, 1947, referred to in text, are not classified to the Code.

CHANGE OF NAME

“United States District Court for the District of Columbia” substituted in text for “District Court of the United States for the District of Columbia” on authority of act June 25, 1948, § 32(b), as amended by act May 24, 1949, § 127.

TRANSFER OF FUNCTIONS

Functions, powers and duties of Federal Works Administrator transferred to Administrator of General Services by act June 30, 1949, § 103(a), which is classified to section 753(a) of this title.

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, “Mayor” substituted in text for “commissioners”.

E. BARRETT PRETTYMAN UNITED STATES COURTHOUSE
DESIGNATION

Pub. L. 104-151, July 1, 1996, 110 Stat. 1383, provided that:

“SECTION 1. DESIGNATION OF COURTHOUSE.

“The United States courthouse located at 3rd Street and Constitution Avenue, Northwest, in Washington, District of Columbia, shall be designated and known as the ‘E. Barrett Prettyman United States Courthouse’.

“SEC. 2. REFERENCES.

“Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ‘E. Barrett Prettyman United States Courthouse’.”

CANCELLATION OF DISTRICT OF COLUMBIA’S SHARE OF
COSTS OF COURTHOUSE

Pub. L. 91-358, title I, §173(a)(1), July 29, 1970, 84 Stat. 591, provided that: “All outstanding and future obligations of the Commissioner [now Mayor] of the District of Columbia with respect to the District of Columbia’s share of the cost of construction, operation, maintenance, and repair of the United States courthouse in the District of Columbia, as required by the Act of May 14, 1948 (62 Stat. 235) [this section], are canceled upon the effective date of this title [Feb. 1, 1971].”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 130a of this title.

§ 130. Courthouse for United States Court of Appeals and United States District Court for the District of Columbia; maintenance and operation; allocation of space

The operation, maintenance, and repair of the completed building for the use of the United States Court of Appeals for the District of Columbia and the United States District Court for the District of Columbia shall be under the control of the Administrator of General Services, and the allocation of space therein shall be vested in the chief judge of the United States Court of Appeals for the District of Columbia and the chief judge of the United States District Court for the District of Columbia.

(May 14, 1948, ch. 290, §2, 62 Stat. 235; June 25, 1948, ch. 646, §32(b), 62 Stat. 991; May 24, 1949, ch. 139, §127, 63 Stat. 107; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380.)

CHANGE OF NAME

“United States District Court for the District of Columbia” substituted in text for “District Court of the United States for the District of Columbia” on authority of act June 25, 1948, §32(b), as amended by act May 24, 1949, §127.

The terms chief justice of the United States Court of Appeals for the District of Columbia and the chief justice of the United States District Court for the District of Columbia were changed to chief judge by act June 25, 1948, as amended by act May 29, 1949.

TRANSFER OF FUNCTIONS

Functions with respect to acquiring space in buildings by lease and functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), with certain exceptions, transferred from respective agencies in which theretofore vested to Administrator of General Services by section 1 of Reorg. Plan No. 18 of 1950, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out as a note under section 490 of this title. For delegation of those trans-

ferred functions to other personnel of General Services Administration, or to heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of that Plan.

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator, and functions of Commissioner of Public Buildings and Public Buildings Administration, transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency, office of Federal Works Administrator, office of Commissioner of Public Buildings, and Public Buildings Administration abolished by section 103(b) of that act.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see note set out under section 471 of this title.

REFERENCES TO COURTHOUSE

Reference to United States Courthouse in District of Columbia deemed reference to “E. Barrett Prettyman United States Courthouse”, see section 2 of Pub. L. 104-151, set out as an E. Barrett Prettyman United States Courthouse Designation note under section 129a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 130a of this title.

§ 130a. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 129a and 130 of this title.

(May 14, 1948, ch. 290, §3, 62 Stat. 235.)

§ 131. Development of Washington metropolitan region; necessity for coordination

The Congress hereby declares that, because the District which is the seat of the Government of the United States and has now become the urban center of a rapidly expanding Washington metropolitan region, the necessity for the continued and effective performance of the functions of the Government of the United States at the seat of said Government in the District of Columbia, the general welfare of the District of Columbia and the health and living standards of the people residing or working therein and the conduct of industry, trade, and commerce therein require that the development of the District of Columbia and the management of its public affairs shall, to the fullest extent practicable be coordinated with the development of the other areas of the Washington metropolitan region and with the management of the public affairs of such other areas, and that the activities of all of the departments, agencies, and instrumentalities of the Federal Government which may be carried out in, or in relation to, the other areas of the Washington metropolitan region shall, to the fullest extent practicable, be coordinated with the development of such other areas and with the management of their public affairs; all toward the end that, with the cooperation and assistance of the other areas of the Washington metropolitan region, all of the areas therein shall be so developed and the public affairs thereof shall be so managed as to contribute effectively toward the solution of the community development problems of the Washington metropolitan region on a unified metropolitan basis.

(Pub. L. 86-527, § 2, June 27, 1960, 74 Stat. 223.)

CODIFICATION

Section is also set out in D.C. Code, § 1-2101.

SHORT TITLE

Section 1 of Pub. L. 86-527 provided that: "This Act [enacting this section and sections 132 to 135 of this title] may be cited as the 'Washington Metropolitan Region Development Act'."

ADVISORY GROUP

Pub. L. 96-514, title I, § 108, Dec. 12, 1980, 94 Stat. 2972, provided that: "The Secretary is authorized to appoint an advisory group which may include government officials, as well as members from outside the government to undertake such activities as may be appropriate to study the effect of future growth and development on the beauty, historic values and other features that make the national capital area unique, and to recommend measures that will protect its values. The advisory group shall designate a chairman and shall complete its work and submit to the Secretary and to the Congress a report with its findings and recommendations within three years of the date of its organization. To support its activities, the advisory group may also receive gifts and grants from private sources. Members of the group shall receive no compensation, but may be reimbursed for travel, per diem, and other reasonable expenses."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 132, 133 of this title.

§ 132. Declaration of policy; coordinated development and management

The Congress further declares that the policy to be followed for the attainment of the objective established by section 131 of this title, and for the more effective exercise by the Congress, the executive branch of the Federal Government and the Mayor of the District of Columbia and all other officers and agencies and instrumentalities of the District of Columbia of their respective functions, powers, and duties in respect of the Washington metropolitan region, shall be that all such functions, powers, and duties shall be exercised and carried out in such manner as (with proper recognition of the sovereignty of the State of Maryland and the Commonwealth of Virginia in respect of those areas of the Washington metropolitan region as are situated within their respective jurisdictions) will best facilitate the attainment of such objective of the coordinated development of the areas of the Washington metropolitan region and coordinated management of their public affairs so as to contribute effectively to the solution of the community development problems of the Washington metropolitan region on a unified metropolitan basis.

(Pub. L. 86-527, § 3, June 27, 1960, 74 Stat. 223; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, § 1-2102.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of

Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. The office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, "Mayor" substituted in text for "commissioners".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 133 of this title.

§ 133. Priority projects; water supply, sewage disposal, water pollution, and transportation

The Congress further declares that, in carrying out the policy pursuant to section 132 of this title for the attainment of the objective established by section 131 of this title, priority should be given to the solution, on a unified metropolitan basis, of the problems of water supply, sewage disposal, and water pollution and transportation.

(Pub. L. 86-527, § 4, June 27, 1960, 74 Stat. 223.)

CODIFICATION

Section is also set out in D.C. Code, § 1-2103.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 135 of this title.

§ 134. Study of final report of Joint Committee on Washington Metropolitan Problems; recommendations

The Congress further declares that the officers, departments, agencies, and instrumentalities of the executive branch of the Federal Government and the Mayor of the District of Columbia and the other officers, agencies, and instrumentalities of the District of Columbia, and other agencies of government within the Washington metropolitan region are invited and encouraged to engage in an intensive study of the final report and recommendation of the Joint Committee on Washington Metropolitan Problems with a view to submitting to the Congress the specific recommendations of each of the agencies of government specified.

(Pub. L. 86-527, § 5, June 27, 1960, 74 Stat. 223; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, § 1-2104.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. The office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, "Mayor" substituted in text for "commissioners".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 135 of this title.

§ 135. “Washington metropolitan region” defined

As used in sections 131 to 135 of this title, the term “Washington metropolitan region” includes the District of Columbia, the counties of Montgomery and Prince Georges in the State of Maryland, the counties of Arlington and Fairfax and the cities of Alexandria and Falls Church in the Commonwealth of Virginia.

(Pub. L. 86-527, § 6, June 27, 1960, 74 Stat. 224.)

CODIFICATION

Section is also set out in D.C. Code, § 1-2105.

§ 136. National Capital Service Area**(a) Establishment**

There is established within the District of Columbia the National Capital Service Area which shall include, subject to the following provisions of this section, the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, and is more particularly described in subsection (f) of this section.

(b) National Capital Service Director

There is established in the Executive Office of the President the National Capital Service Director who shall be appointed by the President. The President, through the National Capital Service Director, shall assure that there is provided, utilizing District of Columbia governmental services to the extent practicable, within the area specified in subsection (a) of this section and particularly described in subsection (f) of this section, adequate fire protection and sanitation services. Except with respect to that portion of the National Capital Service Area comprising the United States Capitol Buildings and Grounds as defined in sections 193a and 193m of this title, the United States Supreme Court Building and Grounds as defined in section 13p of this title, and the Library of Congress Buildings and Grounds as defined in section 167j of title 2, the National Capital Service Director shall assure that there is provided within the remainder of such area specified in subsection (a) of this section and subsection (f) of this section, adequate police protection and maintenance of streets and highways.

(c) Personnel; compensation

The National Capital Service Director shall be entitled to receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule of section 5314¹ of title 5. The Director may appoint, subject to the provisions of title 5 governing appointments in the competitive service, and fix the pay of, in accordance with the provisions of chapter 51 and subchapter 3² of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as may be necessary.

¹ So in original. Probably should be section “5315”.

² So in original. Probably should be subchapter “III”.

(d) Omitted**(e) Presidential report to Congress**

(1) Within one year after January 2, 1975, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Executive Protective Service and the United States Park Police within the National Capital Service Area, and placing them under the National Capital Service Director.

(2) Such report shall include such recommendations, including recommendations for legislative and executive action, as the President deems necessary in carrying out the provisions of paragraph (1) of this subsection.

(f) Boundaries

(1)(A) The National Capital Service Area referred to in subsection (a) is more particularly described as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east on F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence west on D Street Southeast to Canal Street Parkway;

thence southeast on Canal Street Parkway to E Street Southeast;

thence west on E Street Southeast to the intersection of Canal Street Southwest and South Capitol Street;

thence northwest on Canal Street Southwest to Second Street Southwest;

thence south on Second Street Southwest to Virginia Avenue Southwest;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the mid-channel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northern most point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets

the present Virginia-District of Columbia boundary;

thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the area in paragraph (1) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(2) Any Federal real property affronting or abutting, as of December 24, 1973, the area described in paragraph (1) shall be deemed to be within such area.

(3) For the purposes of paragraph (2), Federal real property affronting or abutting such area described in paragraph (1) shall—

(A) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) not be construed to include any area situated outside of the District of Columbia boundary as it existed immediately prior to December 24, 1973, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

(g) Presidential survey; map and description

(1) Subject to the provisions of paragraph (2) of this subsection, the President is authorized and directed to conduct a survey of the area described in this section in order to establish the proper metes and bounds of such area, and to file, in such manner and at such place as he may designate, a map and a legal description of such area, and such description and map shall have the same force and effect as if included in this Act, except that corrections of clerical, typographical and other errors in any such legal descriptions and map may be made. In conducting such survey, the President shall make such adjustments as may be necessary in order to exclude from the National Capital Service Area any privately owned properties, and buildings and adjacent parking facilities owned by the District of Columbia government.

(2) In carrying out the provisions of paragraph (1) of this subsection, the President shall, to the extent that such survey, legal description, and map involves areas comprising the United States Capitol Buildings and Grounds as defined in sections 193a and 193m of this title, and other buildings and grounds under the care of the Architect of the Capitol, consult with the Architect of the Capitol.

(3)–(9) Omitted

(h) Creation of National Capital Service Area not to affect existing provisions covering buildings and grounds within Area; availability of services and facilities

(1) Except to the extent specifically provided by the provisions of this section, and amendments made by this section, nothing in this section shall be applicable to the United States Capitol Buildings and Grounds as defined in sections 193a and 193m of this title, or to any other buildings and grounds under the care of the Architect of the Capitol, the United States Su-

preme Court Building and Grounds as defined in section 13p of this title, and the Library of Congress Buildings and Grounds as defined in section 167j of title 2, and except to the extent herein specifically provided, including amendments made by this section, nothing in this section shall be construed to repeal, amend, alter, modify, or supersede any provision of sections 193a to 193m, 212a, 212a-2, and 212b of this title, or any other of the general laws of the United States or any of the laws enacted by the Congress and applicable exclusively to the District of Columbia, or any rule or regulation promulgated pursuant thereto, in effect on January 1, 1975, pertaining to said buildings and grounds, or any existing authority, with respect to such buildings and grounds, vested by law, or otherwise, on such date, in the Senate, the House of Representatives, the Congress, or any committee or commission or board thereof, the Architect of the Capitol, or any other officer of the legislative branch, the Chief Justice of the United States, the Marshal of the Supreme Court of the United States, or the Librarian of Congress.

(2) Notwithstanding the foregoing provision of this section, any of the services and facilities authorized by this Act to be rendered or furnished (including maintenance of streets and highways, and services under section 1537 of title 31) shall, as far as practicable, be made available to the Senate, the House of Representatives, the Congress, or any committee or commission or board thereof, the Architect of the Capitol, or any other officer of the legislative branch vested by law or otherwise on January 1, 1975, with authority over such buildings and grounds, the Chief Justice of the United States, the Marshal of the Supreme Court of the United States, and the Librarian of Congress, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to any other Federal agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the parties rendering and receiving such services).

(i) Continued application of laws, rules, and regulations covering areas within National Capital Service Area

Except to the extent otherwise specifically provided in the provisions of this section, and amendments made by this section, all general laws of the United States and all laws enacted by the Congress and applicable exclusively to the District of Columbia, including regulations and rules promulgated pursuant thereto, in effect on January 1, 1975, and which, on such date, are applicable to and within the areas included within the National Capital Service Area pursuant to this section shall, on and after January 2, 1975, continue to be applicable to and within such National Capital Service Area in the same manner and to the same extent as if this section had not been enacted, and shall remain so applicable until such time as they are repealed, amended, altered, modified, or superseded, and such laws, regulations and rules shall thereafter be applicable to and within such area in the

manner and to the extent so provided by any such amendment, alteration, or modification.

(j) Residency within National Capital Service Area

In no case shall any person be denied the right to vote or otherwise participate in any manner in any election in the District of Columbia solely because such person resides within the National Capital Service Area.

(Pub. L. 93-198, title VII, §739, Dec. 24, 1973, 87 Stat. 825.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (c), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

This Act, referred to in subssecs. (g)(1) and (h)(2), means the District of Columbia Self-Government and Governmental Reorganization Act, Pub. L. 93-198, Dec. 24, 1973, 87 Stat. 774, which is classified principally to the District of Columbia Code. See chapter 2 (§1-201 et seq.) of Title 1, Administration, of the District of Columbia Code. For classification of this Act to the U.S. Code, see Tables.

The amendments made by this section, referred to in subssecs. (h)(1) and (i), means the amendments made by section 739(d) and (g)(3) to (9) of Pub. L. 93-198, which amended sections 13n, 193a, 212a, and 212b of this title and section 167h of Title 2, The Congress, and enacted provision set out as a note under section 193a of this title.

CODIFICATION

Subsecs. (d) and (g)(3) to (9) of this section made the amendments specified in the References in Text note above.

In subsec. (h)(2), "section 1537 of title 31" substituted for "section 731 of this Act [31 U.S.C. 685a]" on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section is also set out in section 9-142 of the District of Columbia Code.

CHANGE OF NAME

Reference to Executive Protective Service held to refer to United States Secret Service Uniformed Division pursuant to Pub. L. 95-179, set out as a note under section 202 of Title 3, The President.

DEFINITIONS

The definitions in section 103 of Pub. L. 93-198 (which is classified to section 1-202 of the District of Columbia Code) apply to this section.

§ 137. Protection of Federal Government buildings in District of Columbia

The Attorney General and the Secretary of the Treasury may prohibit—

(1) any vehicles from parking or standing on any street or roadway adjacent to any building in the District of Columbia used by law enforcement authorities subject to their jurisdiction, that is in whole or in part owned, possessed, or leased to the Federal Government; and

(2) any person or entity from conducting business on any property immediately adjacent to any building described in paragraph (1).

(Pub. L. 104-132, title VIII, §803, Apr. 24, 1996, 110 Stat. 1305.)

**§ 138. Repealed. Pub. L. 105–100, title I, § 157(f),
Nov. 19, 1997, 111 Stat. 2187**

Section, Pub. L. 105–33, title XI, §§ 11715, 11717(b), Aug. 5, 1997, 111 Stat. 784, 786, related to requirement that certain Federal officials provide notice before carrying out activities affecting real property located in the District of Columbia.

EFFECTIVE DATE OF REPEAL

Section 157(f) of Pub. L. 105–100 provided that the repeal of this section is effective Oct. 1, 1997.

**CHAPTER 2—CAPITOL BUILDING AND
GROUNDS**

Sec.		Sec.	
161.	Title of Superintendent of Capitol Building and Grounds changed to Architect of Capitol.	166b–6.	Assignment and reassignment of personnel by Architect of Capitol for personal services.
161a.	Repealed.	166b–7.	Architect of the Capitol human resources program.
162.	Architect of Capitol; powers and duties.		(a) Short title.
162–1.	Appointment of Architect of Capitol.		(b) Finding and purpose.
162a.	Compensation of Architect of Capitol.		(c) Personnel management system.
162b.	Semiannual report of expenditures by Architect of Capitol.		(d) Implementation of personnel management system.
163.	Care and superintendence of Capitol by Architect of Capitol.	166c.	Acquisition of surplus supplies, materials, etc.; priority.
163a.	Exterior of Capitol, duty of Architect.	166d.	Rental or lease of storage space.
163b.	Delegation of authority by Architect of Capitol.	166e.	Funds out of Contingent Expenses, Architect of Capitol.
164.	Omitted.	166f.	Funds out of Capitol Buildings, Architect of Capitol.
164a.	Assistant Architect of Capitol to act in case of absence, disability, or vacancy.	166g.	Expenses for flying American flags and providing certification services therefor.
165.	Repealed.	166h.	Transfer of funds by Architect of Capitol; approval.
166.	Architect of Capitol; repairs of Capitol.	166i.	Energy conservation and management.
166a.	Omitted.	167.	Lighting, heating, and ventilating House of Representatives.
166a–1.	Appropriations under control of Architect of Capitol; availability for expenses of advertising.	167a.	Repealed.
166b, 166b–1.	Omitted or Repealed.	168.	Heating and ventilating Senate wing.
166b–1a.	Compensation of employees under Architect of Capitol; single per annum gross rates of pay.	168a.	Repealed.
166b–1b.	Conversion by Architect of Capitol of existing basic pay rates to per annum gross pay rates.	169.	Furniture for House of Representatives.
166b–1c.	Obsolete references in existing law to basic pay rates.	170.	Purchase of furniture or carpets for House or Senate.
166b–1d.	Savings provisions.	170a.	Transferred.
166b–1e.	Effect on existing law.	171.	Transfer of discontinued apparatus to other branches.
166b–1f.	Exemptions.	172.	Repealed.
166b–2.	Registered nurses compensated under appropriations for Capitol Buildings, Senate Office Buildings, and House Office Buildings; allocation to General Schedule salary grade.	173.	Estimates for improvements in grounds.
166b–3.	Authorization to fix basic rate of compensation for certain positions.	174, 174a.	Omitted.
166b–3a.	Compensation of certain positions in Office of Architect of Capitol.	174b.	Senate Office Building; approval of structural changes by Architect of Capitol.
	(a) Amount of compensation to be that specified in appropriations Acts.	174b–1.	Additional Senate office building.
	(b) Positions covered.	174c.	Control, care, and supervision of Senate Office Building.
	(c) Calculation of amounts.	174d.	Assignment of space in Senate Office Building.
	(d) Effective date.	174d–1.	Assignment of space for meetings of joint committees, conference committees, etc.
166b–3b.	Compensation of certain positions under jurisdiction of Architect of Capitol.	174e.	Certification of vouchers by Architect of Capitol.
	(a) Director of Engineering.	174f to 174j.	Omitted.
	(b) Other listed positions.	174j–1.	Senate Restaurants; management by Architect of Capitol; approval of matters of general policy; termination.
	(c) Authority to list additional positions.	174j–2.	Omitted.
166b–4.	Gratuities for survivors of deceased employees under jurisdiction of Architect of Capitol.	174j–3.	Authorization and direction to effectuate purposes of sections 174j–1 to 174j–7 of this title.
166b–5.	Withholding and remittance of State income tax by Architect of Capitol.	174j–4.	Special deposit account; establishment; appropriations; approval of payments.
	(a) Agreement by Architect with appropriate State official; covered individuals.	174j–5.	Deposits and disbursements under special deposit account.
	(b) Number of remittances authorized.	174j–6.	Bond of Architect, Assistant Architect, and other employees.
		174j–7.	Superseding of prior provisions for maintenance and operation of Senate Restaurants.
		174j–8.	Management personnel and miscellaneous expenses; availability of appropriations; annual and sick leave.
		174j–9.	Loans for Senate Restaurants.

- (c) Requests for withholding and remittance; amount of withholding; number and effective date of requests; change of designated State; revocation of request; rules and regulations.
- (d) Time or times of agreements by Architect.
- (e) Provisions as not imposing duty, burden, requirement or penalty upon United States or any officer or employee of United States.
- (f) “State” defined.